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Londini, *Die* 18 *Martii*, 1899.

Nihil obstat.
GEORGIUS TYRRELL, S.J.
Censor deputatus.

Imprimatur.
HERBERTUS CARDINALIS VAUGHAN,
Archiepiscopus Westmonasteriensis.

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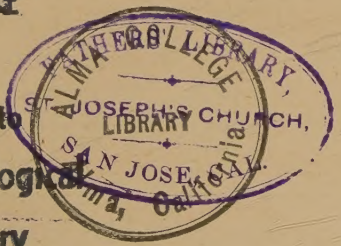

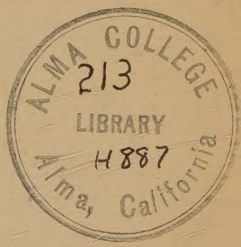

LONDON:
THOMAS BAKER, SOHO SQUARE.

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PREFACE.

In *The Vicar of Christ* (London, Art and Book Company, 1892), my purpose was to set forth four truths—that Christ has on this earth a visible Kingdom—that in this Kingdom Christ not only reigns but *rules*—that Christ's rule, both in teaching and in government, is rendered actual by means of that man, our fellow-man, whom Christ has made to be His Vicar on this earth, and that—if Christ had no visible Vicar here on earth, and throughout the centuries of time, Christ's royalty would be merely nominal, and not real.

The purpose of the present volume is to set forth the Papacy in action, with some account of the machinery by means of which the Supreme Pontiff has governed and governs the visible Church.

Keeping clearly in view the essential distinction between the divine elements and the human elements in the constitution of the visible Church, or between what was of Christ's institution and what has been of merely ecclesiastical institution, we see that the divine

element is changeless and unchangeable, while the human element has been subject to the law of change in its development; a change which has been determined by circumstances of time and place, albeit under the supernatural providence of Christ. Councils, Consistories and Congregations, Patriarchs and Primates, Archbishops and Metropolitans, Archdeacons and Archpriests, Abbots and Prelates, have had or have their place, and have served or still serve their purpose. Some remain in all the vigour of their activity; others have served their purpose, and remain in little more than in name, as monuments or relics of a splendid historic past.

Christ's institution of the Pontificate and His subsequent institution of the sub-ordinate Episcopate remain in their changelessness as intestinal elements of the visible Church. Both of them belong to the very vitals of Christianity and of the Church as its embodiment.

The Pontificate has not absorbed the Episcopate; and the Episcopate has not taken the place of the Pontificate.

Both are found in union in the person of Christ's Vicar; and he, as Bishop of Rome, supplies a norm in his Episcopal government to the Bishops of the world.

All Catholics must take interest, and non-Catholics not a few may take interest, in the way in which the Bishop of the Universal Church manages his own particular Diocese.

It is not without fitness that these sketches should end with *Papal Blessing*.

Students will recognise as sources of much of the information contained in this volume, the classical work of Cardinal de Luca, *Relatio Romanæ Curiæ*; Palmieri, *De Romano Pontifice*; Cardinal Franzelin, *De Ecclesiâ*; Santi, *Prælectiones Juris Canonici*; the Analecta Juris Pontificii; the Analecta Ecclesiastica, seu Romana Collectanea; and the Acta Sanctæ Sedis.

I am indebted to my friend the Rev. Herbert Thurston, S.J., for the erudite antiquarian notes with which he has enriched Chapters II. and III.

WILLIAM HUMPHREY, S.J.

114 Mount Street,
Grosvenor Square,
London, W.

Eastertide, 1899.

1. Elements in the Church of Divine institution.
2. Elements in the Church of human institution.
3. The Senate of the Pope.
4. The Household of the Pope.
5. The Diocese of Rome.
6. Sacred Roman Congregations.
7. Papal Blessing.

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CHAPTER I.

Elements in the Church of Divine institution.

The visible Church on earth, as instituted by Christ, has in its intestinal constitution two elements—primacy and priesthood.

There is priesthood in its fulness, and there is priesthood in measure. The priesthood in its fulness is the Episcopate; and of those who possess episcopate the Church sings — *Ecce Sacerdos Magnus.* Priesthood in measure is the priesthood of the Presbyterate.

To the Presbyterate there belongs the power of effecting the presence of the Body of Christ in the Eucharist. To this power of order in the Episcopate is added power over the Mystical Body of the same Christ. Members of that body are subject to Bishops, and to have men as subjects is to have power of jurisdiction.

Power of jurisdiction is in Bishops distinct from the power of sacramental order, in virtue of which every priest has power over the sacramental Body of Jesus Christ. It is so distinct

that it may be possessed and exercised by a Bishop before he obtains through sacramental consecration that fulness of the power of order which enables him to reproduce his species, and to beget not only sons with presbyteral priesthood, but fathers also like unto himself and equally reproductive in virtue of the fulness of their priesthood.

Priesthood in its fulness was bestowed by Christ on His Apostles. It was theirs not only to offer sacrifice, by effecting the real presence of Christ's Body through power of sacramental order, but also to rule and govern Christ's Mystical Body through power of jurisdiction. The Apostles were not merely Presbyters, they were Bishops, set to rule the Church of God, and to beget other Bishops to succeed them in their government, and in that episcopate of which they were the first possessors.

All Presbyters are successors of the Apostles in the Presbyterate, in which there can be no degrees of the greater or the less. Degrees are possible in the jurisdiction which consists in having subjects, since these may be fewer or less few in number. Degrees are impossible in the power of offering sacrifice, in which there cannot be either greater or less. In this power the least of all priests partakes as fully as does the Sovereign Pontiff.

2.

BEFORE Christ instituted Priesthood as an intestinal element in the constitution of the visible Church, He instituted Primacy.

Were it possible to speak of greater and less in connection with the intestinal, which, as absolutely essential to life and living being, is *vital*, we should say that the primacy instituted by Christ is even more essential as an element of the constitution of His visible Church than is priesthood. It is more intestinal in the sense that it is fundamental. As fundamental, the institution of a primacy preceded the institution of the Christian priesthood.

The foundation is laid before the house is built upon it. Christ, speaking of His Church which He had in view, said not—My Church which I have built, or—My Church which I am building, but—*Ædificabo*, My Church which I shall build. He did not institute priesthood in this Church at the time when He instituted primacy, but at another time, and afterwards, and not until the night when for the first time He Himself offered that sacrifice for the continued offering of which He was to institute a priesthood.

'By His words in the future, "I will build

'"My Church," Christ did not mean to say that 'His Church in no way existed at the time at 'which He spoke, but signified another and 'future state of the same Church in which it 'should rest no longer on Himself alone the 'invisible foundation, but also on the secondary 'and visible foundation, and be governed thereby 'with the vicarious power of Christ.'—(PALMIERI, *De Romano Pontifice*, p. 276.)

'Christ primarily, and as He willed His Church 'simply to exist, instituted therein the primacy 'of Peter; while secondarily, and looking to the 'universality of the Church, and to the need of 'those who should aid Peter in the ruling of it, 'He willed that there should be Bishops who 'with ordinary right should govern particular 'churches.'—(PALMIERI, *ibid*, p. 109.)

As priesthood, therefore, is essential in the visible Church, so is primacy as essential. As priesthood was instituted by Christ, so was primacy instituted by Christ. As both primacy and priesthood are equally of *Divine* institution, so are both equally of *Divine* right. If Christ had not instituted primacy, and had only instituted priesthood, and if his priests had afterwards with one consent established a primacy, it would have been a primacy indeed, but it would not have been a primacy instituted by

Christ. It would have been not of *Divine* right, but of *human* right. It would have been, like the primacy of a Patriarch or of a Metropolitan, a primacy of human institution, and not instituted by Christ. Such a primacy might have promoted unity, but it would have failed to secure unity with irrefragable certainty of its continuance. As *human* it would, like all things human have been subject to vicissitude. Made by man, it could have been unmade by man. What man can do man can undo. As given by man it could have been surrendered to man. Neither the will of man nor the might of man would have availed to prevent the gates of Hell prevailing in the destruction of such a primacy.

The unity of the visible Church was not an evolution from within itself. It was a unity effected from without by the Founder who instituted within His Church a primacy, not merely to secure its unity, but to *effect* its unity. This unity was to be not merely a distinguishing note, but an essential *property*, of the visible Church as instituted by Christ. A *note* is that by which a thing is known; a *property* is that which *belongs* to it. Primacy in the visible Church is that which effects the unity which, as an essential property, is its distinguishing note.

The visible Church was to be a visible society of visible men on earth; and without visible

primacy or central authority there cannot be visible society. An assemblage of men without primacy in their midst may be a multitude or a mob, a herd or a horde, but it cannot without primacy be a family or a flock, a city or a kingdom. If the visible Church was to be one family of God's sons and daughters, one flock of Christ's sheep, one City of God, one world-wide kingdom, there must be in it the essential primacy of one common father, one chief shepherd, one supreme and universal ruler, one sovereign.

Even as the presbyterate would not be one if there were no episcopate, so also the episcopate would not be one if there were no Supreme Pontificate, as the embodiment of primacy. As a particular Church or Diocese is constituted in its unity through the primacy of one particular Bishop, so is the universal Church constituted in its unity through the primacy of one universal Bishop. Were it otherwise there would be lacking in the universal a perfection which is found in the particular; and, if the universal Church is a kingdom this, in the very nature of things, cannot be. In place of a kingdom there would be a congeries or, at most, a confederation of independent states, a sort of universal oligarchy.

We may speak in colloquial language of the human body as containing the human soul, and nevertheless we know that it would be more

philosophical to say that the human soul contains the human body, as the more noble and informing part contains the less noble part informed, which with it constitutes one human whole. Similarly, although we may in our popular speech say that the visible Church contains the primacy, yet we see, when we come to think of it, that it is more strictly true to say that the primacy, in its embodiment the Pontiff, contains the visible Church. In so saying we have our model in the language of one of the most ancient of the Fathers when he says that as the Bishop is in the Church, so the Church is in the Bishop. From what St. Cyprian says in respect of a diocese it follows that as the Supreme Pontiff is in the visible Church, so is the visible Church in the Supreme Pontiff.

'The whole of a society is made one through 'that authority which does not yet suppose the 'society; but from which the society follows. 'The authority of the Rock does not suppose 'the edifice, but this follows from it. The 'authority of him who has the Keys of the 'Kingdom does not suppose the Kingdom by 'itself as already in existence, but *effects* it. 'Hence independently of the power of the 'Roman Pontiff there is no unity of the Church, 'and no society which can be called a Church.' —(PALMIERI, *ibid*, p. 358.)

3.

CHRIST might indeed have chosen to select another form of government, and to institute the visible Church either as a democracy or as an aristocracy. Either of these is a conceivable and a possible form of government, and either is compatible with the existence of a governed society. Both of them have actually existed as forms of government in the civil order. The practical question, however, and with that alone we have concern, is not as to what Christ *might* have done, but as to what Christ *actually did*.

Christ instituted the visible Church neither as an aristocracy, nor as a democracy, but as a monarchy.

In an aristocracy ruling power is vested in several different men, who are regarded as being the best men, as chiefs or elders or otherwise. The power of each of these is an equal power. It is equally exercised by all of them, although it is exercised by all as if all were one, and formed one moral person, one ruling body. Hence in an aristocracy, the consent of a majority or, what is equivalent thereto, the prevailing might of a considerable minority, is required and suffices for exercise of ruling power. Christ did not institute the visible Church as an aristocracy, for Christ did not

give to all of His Apostles an equal power, or to all of them supreme power.

In a democracy both legislative power and executive power rest with the people, and are exercised by the representatives and ministers of the people. It is self government. The people govern themselves. Christ did not institute the visible Church as a democracy, for over His Church Christ set rulers.

In a constitutional or representative government, which is a monarchy tempered with democracy, legislative power rests with the representatives of the people, and executive power with the king and his ministers. Christ did not institute the visible Church as a constitutional government, for He did not give to the Christian people, or to the representatives of the Christian people, the power of making the laws by which the Christian society was to be governed.

In a monarchy one person and one alone is in possession of supreme power, and thus has plenitude of power. One person has direct and immediate rule over all subjects within his kingdom, both singly and collectively, whether as individuals or as a body. It was as a monarchy that Christ instituted the visible Church. He so far tempered, however, this monarchy with aristocracy that it should not be in the power of the supreme ruler to abolish those inferior rulers

whose power was equally of Christ's institution, and therefore of *Divine* right. The supreme ruler was nevertheless not to be merely the *ministerial* head of the inferior rulers, and to *exercise* a power which flowed to him from them. He was to be in possession of supreme power, and of the plenitude of power, as *his own* power.

Pontificate and Episcopate are therefore equally of *Divine* right, as instituted by Christ. Both belong to the intestinal constitution of the visible Church. Neither of them can be abolished, nor can either cease to exist, if that Church is to endure in its identity as instituted by Christ. Pontificate without Episcopate would not constitute that Church ; still less would Episcopate without Pontificate.

The kingdoms of a world the fashion of which passeth away may be altered into aristocracies, and so cease to be kingdoms. Aristocracies may be altered into democracies or into kingdoms, and so cease to be aristocracies, in the one case as in the other. Democracies may develop into aristocracies, and these again into monarchies, and in either case they cease to be democracies. With all such changes there is a change of *intestinal* constitution. There is radical change, and the society, in its altered constitution, has ceased to be that society which it

was in its beginning. In a visible society of *Divine* institution, which is to endure in the living oneness of its identity to the end of time, the alteration of its constitution is an absolute impossibility. For such an alteration the Pontiff with his supreme power is in the plenitude of his power as powerless as are the Bishops; and the whole body of the Bishops is as powerless as is the Christian people. Christ alone has power to alter the constitution of that visible Church which the same Christ instituted. All save Christ must say *Non possumus*, We are destitute of power.

4.

Plenitude of power to rule a society of men includes legislative power, judicial power, and coercive power.

Legislative power in a society of men is the power of making the laws by which that society is to be governed. If laws are universal, by which the whole society is to be bound, they can be made only by its universal or supreme ruler. If laws are particular, and are to bind only a part of the society, they may be made by the ruler who has power to govern that part. It is manifest, however, that no particular law can validly be made to the prejudice of an universal law. The

subordinate cannot invade the sphere of the supreme.

The Supreme Pontiff alone, as universal Ruler, has power to make an universal law, to bind the universal Church. It is not in the power either of any individual Bishop, or of all the Bishops in one body, to make an universal law. The visible Church is not an aristocracy, to be bound by the laws or by the will of a majority of its chiefest men ; nor does it fall to the level of an aristocracy when the See of its Supreme Ruler is for a season vacant. Until that See is filled and a Supreme Ruler reigns, the making of an universal law is as impossible as is an intestinal change in the constitution of the Universal Church.

Every Bishop is nevertheless a true lawgiver within his own limits. He has true jurisdiction over his own subjects, he has a flock which is *his own*, and his jurisdiction includes his right to make the laws by which that flock is to be governed. Equally, and of the nature of the case, he has neither right nor power to make a law for the government of flocks which are not his own, and still less to make an universal law. What the universal law of the universal ruler has established for the universal Church no particular law, and no particular ruler can interfere with, diversify, or disannul.

Judicial power is a necessary consequence of legislative power. Laws may require interpretation, and in the application of laws there may be controversy. For the decision of a controversy there must be a judge. All judges are not supreme judges, nor are all judges equal in their judicial authority. From the sentence of a lower judge there may be appeal to a higher judge; and the judgment of a supreme judge is a peremptory judgment. From that judgment there can be no appeal. Appeal is in that case not merely unlawful, but impossible with an absolute impossibility. This subordination in judgment in no way negatives the reality of judicial power in a lower judge. His judgment may be annulled by a higher judge, but the annulling of a thing implies the previous reality of that which is annulled. Moreover, if on appeal the sentence of a lower judge is confirmed by a higher judge, it is that sentence, and not the sentence of the higher judge, which is the sentence put in execution.

Bishops are therefore true judges, although they are not supreme judges; and their judgments are true judgments, although they are not peremptory judgments. They may be reversed on appeal to judges who, by ecclesiastical institution, are higher judges; as their judgments may in turn be reversed on final appeal to the

Sovereign Pontiff who is, by institution of Christ and therefore by Divine right, Supreme Judge, from whose judgment there is no appeal. *Sedes Apostolica a nemine judicatur.* The Apostolic See is, and can be, judged by no man.

Besides legislative and judicial power a ruler of men must have also coercive power. Without coercive power laws will be made in vain, and the execution of judgments will not be secured. A law must have its sanction in a threatened punishment, and he who threatens must have power to inflict. In the visible Church, and by the institution of Christ, this power, as it is a power to bind, is possessed by the Pontiff as it was in its fulness bestowed on Peter. The Pontiff has the same power, and with the same fulness, to loose or free from obligation. Whatsoever he binds or looses upon earth—not only as regards things, by the establishment of them, or by the abrogation of them, but also as regards persons, by the obligation which he lays upon them, or from which he frees them—is bound or loosed in heaven. Christ's phrase, '*Whatsoever* thou shalt bind or loose'—is universal in its extension and comprehension. It admits of no exception. When the Pontiff binds or looses here on earth his act is ratified by Christ in heaven, and that not merely in

some general way, but as a specific act of His Vicar, which Christ recognises as His own act, and an act in which and by which He Himself has bound or loosed.

Bishops also are in possession of this coercive power; but, like their legislative power, and their judicial power, it has in them its limits; and even within those limits it is, of its very nature, dependent on the power that is independent and supreme. The Pontiff's power, as supreme power, is independent of every other power on earth. What he binds on earth no man can loose, and what he looses on earth no man can bind. Christ gave the Keys of His Kingdom, which is the visible Church on earth, not to the Episcopate but to the Pontificate; and when the Pontiff shutteth no man can open, and when he openeth no man can shut. This power is in Christ's Vicar the visible embodiment in the visible Church of the royal power of Christ Himself. Christ has in the world a Kingdom which is not of the world, as are the kingdoms of this world with their frontiers which confine them, but is coextensive with the world, and comprehends the redeemed world of men. The one and only limitation of the Pontiff's power to rule is formed by the limits of Christ's Kingdom upon earth. Those who have never entered that visible Kingdom through its one

gate of sacramental baptism are not the Pontiff's subjects; and when through the gate of death his subjects pass away from the visible Kingdom, the Pontiff has over them his power no longer.

5.

The supreme and universal power of the Pontificate which Christ established in the visible Church is what is called in law an *ordinary* power, or the power of an ordinary. It is ordinary not merely in the sense that it is not a delegated power; but also inasmuch as it is possessed in virtue of a Divinely instituted office to which it is indissolubly and inalienably attached. This power may be exercised not merely under extraordinary circumstances the existence of which would seem to call for it; or again merely by way of aid in support of lesser powers, when these seem to stand in need of aid; but always and everywhere, at all times, and in all places, and as regards all objects and all persons. It is a power which whenever actually exercised is always validly exercised. There are powers of human institution which are *ordinary*, indeed, as attached to an office, but exercise of which is valid only under certain circumstances. There is, for instance, the power of an Archbishop, with regard to his Suffragans

and the Dioceses of his Province, which, although it is an *ordinary* power, as attached to an Archiepiscopal See, can only be exercised under certain circumstances, and therefore *extraordinarily*. The supreme and universal power, on the other hand, which Christ instituted in the visible Church, in the Pontificate which He established, cannot be, nor can it be conceived as being, other than in every sense an *ordinary* power.

The episcopate was in the Apostles an *ordinary* power, as the pontificate or primacy was in Peter an *ordinary* power. Besides episcopal power there were in the Apostles other powers which were personal to the Apostles themselves as individuals, and were with them to pass away. Among these powers was their power of preaching with authority and infallibility not merely in one territory but everywhere throughout the world, a power which they had received not mediately from Christ through Peter, but immediately from Christ Himself; and their farther power of everywhere binding and loosing all things. Those powers were *extraordinary* in the Apostles; and to those powers there was no succession. In him alone was there to be succession of those powers, to whom alone Christ gave the Keys of His Kingdom. In him those powers were *ordinary;* and in the perpetual primacy of Peter

the whole power of the Apostolate was to persevere.

Hence it is that the Pontiff's See alone is, without any qualification, called the Apostolic See. Succession which is merely by way of unbroken lineal descent from an Apostle would indeed be episcopal succession to that Apostle in his episcopate of order; but it would not be Apostolic succession in the sense of succession to that Apostle in his Apostolate. To succeed an Apostle is one thing, and to succeed to his Apostolate is another.

6.

The Episcopate is a true pastorate; and in this pastorate there is power to teach, and power to rule, and power of priesthood; but in the Pontificate those three powers are, one and all of them, supreme, universal, and independent. The Pontiff has power to teach, not merely within the limits of a diocese, but everywhere throughout the world, as within his Diocese, *cujus Diocesis est Orbis terrarum.* The Pontiff has power to rule not merely in one land or place, but in all lands, and in every place of the whole earth. The Pontiff has supreme liturgical power of priesthood for the regulation of the offering of sacrifice, the ministration of sacraments, and

the ordering of all things which pertain to the worship of the Divine Majesty, in every diocese of the Universal Church. What a Bishop is in his diocese, that the Pontiff is in the Universal Church; and his power therein is not limited by any other powers that be, since all other powers are inferior to supreme power, and are moreover subject to it.

The Pontiff's power is an episcopal power. A Bishop is an *immediate* pastor, who has a flock *of his own*, and whose authority over the members of that flock is an immediate authority which does not depend on any intermediate agent. He has right to rule them through exercise and by acts of a power which is his own.

The Pontiff who is Bishop of the See of Rome is Bishop also of the world—*Episcopus et Urbis et Orbis*. The Roman Church is, as she is styled, the Mother and Mistress of all churches of the world. The relation of children to their father or mother, and the relation of disciples to their master or mistress is an *immediate* relation, without intervention of any intermediate authority; and all Christians are children and disciples of the Roman Pontiff, whom they are bound to obey, and whose teaching they are bound to follow. As there is a sense in which the care of their souls belongs more to their Bishop than

it belongs to their parish priest, so also in the same sense does the care of their souls belong more to the Roman Pontiff than it belongs to their own Diocesan Bishop.

Power may be given over individuals who constitute one corporate body or moral whole, without that power being necessarily given over that body as a body ; but power cannot be given, nor can it be conceived as given, over the whole body as one moral whole, without its comprehending power over every part and member of that whole. It is not therefore because the Pontiff governs the individual members, each and all of them, that he governs the whole body. It is because the Pontiff governs the whole body that he governs every part and member of that body. His power is *immediately* borne first to the Kingdom and Flock of Christ, and therein and thereby to the individual subjects and members who compose it. He is not merely Bishop of Bishops and, as such, and through them, Bishop of their subjects; but he is Bishop also of all the faithful, as of subjects who are immediately *his own.*

The Pontiff's plenitude of power is in the Kingdom and for the Kingdom, and by *ordinary* right he has power to do all things, as regards all persons, which belong to administration and to rule. Nothing within the Kingdom can be

lawfully done against his will; and every power within the Kingdom is directly dependent upon him. He is the one and only embodiment of supreme and universal power; and he directly rules all other powers which, as not supreme powers, are necessarily lesser powers, in the fulfilment of their functions. His power has force to effect that the acts of his subjects should, if he wills it, have no validity, and to annul whatsoever is done by them in contradiction to his will. His plenitude of power is such as to embrace every power by which the visible Church is governed, and to be the immediate source and fountain of all and every jurisdiction. In exempting certain subjects from the jurisdiction of the Bishops, it is *his own* subjects whom he is exempting. In reserving to himself the absolution of certain sins, it is sins of *his own* subjects which he is reserving.

If anyone without him, or apart from power bestowed by him, could shut or open the gate of the Kingdom, it might be that when he was shutting, another was opening, and that when he was opening another was shutting.

The jurisdiction of any Bishop whomsoever can be *validly* withdrawn by the Supreme Pontiff, even without an adequate cause, and without giving of a reason.

In the Letters of Deposition of the Bishop of

Tournai by Leo XIII., the words of the Pontiff are—'We, of the fulness of Apostolic power, of 'Our own accord, albeit sad in soul, by these 'Letters signed with Our own hand, absolutely 'and in perpetuity interdict and recall all juris- 'diction, whether in spirituals or in temporals, in 'the Diocese of Tournai, from Bishop Edmund 'Dumont, and by depriving take away from that 'Bishop, and declare to be taken away the title 'of Bishop of the Church of Tournai, decreeing 'likewise that the said Bishop is by Us loosed 'and released from every peculiar bond what- 'soever with the Church of Tournai, which 'attached to him from the Apostolic Letters of 'Bestowal in 1872. To no man, whomsoever, 'therefore, shall it be lawful to infringe, or by 'rash endeavour to go against this document of 'Our interdiction, revocation, deprivation, taking 'away, loosing, release, mandate, decree, con- 'firmation, and will. If any one shall presume 'to do so, let him know that he will incur the 'wrath of Almighty God and of the Blessed 'Apostles, Peter and Paul.'

This Letter not merely begins with the usual inscription, which is Leo Bishop, or Leo PP. XIII., as in the Letters of Nomination to the successor of the deposed Bishop, but ends with the unusual subscription of—I, Leo, Bishop of the Catholic Church. The Apostolic Letters

of Indiction of the Vatican Council in 1868, were also subscribed in the same unusual way—I, Pius, Bishop of the Catholic Church.

It is a principle of law, which obtains both in the civil order and in the ecclesiastical order, that the good of the commonwealth demands that supreme power should have such force and vigour that an act of it, even if it is done without adequate cause, should be a *valid* act. This the very end of a society, in the securing of its social tranquillity and peace, demands. The universal good must always prevail over a particular good, and the welfare of the Universal Church must always prevail over the individual welfare of any particular church. Even then, however, that church, as it is a part, is sharing in the general welfare of the whole.

The jurisdiction of the Supreme Pontiff is Christ's jurisdiction, of Whom the Pontiff is the Vicar, and it demands that every jurisdiction whatsoever which Christ exercises in the visible Church, He should exercise through His Vicar; and both to bestow jurisdiction and to withdraw jurisdiction are themselves acts of jurisdiction. Not every power of Christ is exercised by His Vicar, but every power which His Vicar exercises is a power of Christ.

Although episcopal jurisdiction is bestowed through man, it is nevertheless in its institution of *Divine* right. The Bishops are Vicars not of the Pontiff, but of Christ Himself. The Pontiff has no power to abolish Episcopal dignity and authority, which he did not institute, and, which is therefore not derived from him. Christ willed that in the visible Church there should be, besides the Chair of the Supreme Pontiff, the chairs of the subordinate Episcopate.

The Bishops are not *delegates* of the Pontiff, for their power is an *ordinary* power, in virtue of an office and function instituted by Christ Himself. They are princes—tributary princes, in deed, but—true princes in Christ's visible Kingdom. Although the Pontiff can validly withdraw their jurisdiction from each and from all of them, he is nevertheless bound to substitute other Bishops in place of them, so that there should always be Bishops in the visible Church.

Primarily, as we have seen, and as intending the existence of the visible Church, Christ instituted the primacy of a Supreme Pontiff. Secondarily, and as having in view the universality of the visible Church, and the necessity that this Pontiff should have aid in his government thereof, Christ willed that there should be Bishops.

To the Pontiff the election of those Bishops,

belongs by *Divine* right. It is inherent in the Divinely established primacy. No one can, without the Pontiff's consent, assume or exercise authority over the Pontiff's own immediate subjects. When he has at any time given the right of election to the Bishops of a Province, or to the Chapter of a Cathedral Church, this right flowed to them from his concession, and was not a right inborn in them. The election, moreover, by them of a Bishop still requires his confirmation, so that his Divine right to the election of Bishops remains intact.

Through the Pontificate which Christ instituted in the visible Church, Christ provided for the oneness of that Church which He willed to be episcopal. The episcopate had its roots in the Apostles, and the episcopate to-day is one with the episcopate that was in them. All Bishops form with them one corporate body or moral personality, the Priesthood in its fulness. The Pontificate began in Peter, on whom Christ bestowed the Primacy to which He subordinated the Apostolate, and therein the Episcopate; and with Peter the whole line and series of his successors forms one moral personality, one continuous Divine dynasty, one House of Peter. Independently of this divinely instituted and divinely guaranteed perpetual primacy, there could not exist upon the earth that one visible

Church which Christ instituted. Where episcopal power of order exists apart from primacy, as in those Eastern sects, the validity of whose orders is undisputed by the Apostolic See, their episcopate is as a house divided against itself, and built upon the sand. It is rent asunder by internal schism when through schism it has severed itself from that Church which Christ built upon the Rock of Peter; and which is one with the oneness of a Kingdom in which the Sovereign has established a visible Vicar to rule and to govern in his name and place.

7.

A Bishop has by Divine right power within his own Diocese to administer all sacraments and sacramentals. He has power to bless Abbots with solemnity, to anoint Kings, to consecrate Virgins, to dedicate Churches and Altars, to bless Bells and Sacred Vestments and Vessels, and pious objects, and generally to do all that is set forth in the Pontifical. All this a Bishop can do, not only validly but lawfully, in any part of his Diocese; since all the faithful therein have been committed to his care, and the whole of the Diocese is, as it were, the Parish of the Bishop.

The Apostles themselves set Bishops over

cities, and it was an ecclesiastical arrangement of the earliest times that individual Bishops should rule particular churches, with power confined within the limits of a determinate territory. The concrete form of ecclesiastical government was so constituted that the Universal Church was divided into particular Churches, called Dioceses, each of which was presided over by its own Bishop. The Roman Pontiff alone has authority to institute new Dioceses, and to divide or limit existing Dioceses. From the fact that a Bishop has been lawfully established in the government of his Church, he has by Divine right power to rule the faithful who belong to it. He receives his Church as his "title," and then it is in his own right, and by *ordinary* right, that he exercises this power. In order, however, that he should be lawfully established in the government of his Church he requires lawful mission. This is bestowed by the Roman Pontiff, who alone has power to rule the whole of the visible Church in virtue of his succession in place of Peter, and who receives this power directly and immediately from Christ Himself. Bishops therefore obtain their mission mediately from Christ, and immediately from Christ's Vicar, the Roman Pontiff. Hence the formula in use by Bishops of the Catholic Church who in their pastorals and official docu-

ments style themselves Bishops "by the grace of God and of the Apostolic See."

The function of a Bishop is with authority to teach, to command, to judge, to correct and punish, and to administer.

The Apostles themselves recognised it as their principal and proper function to preach the Word of God. Hence a Bishop, as a successor of the Apostles in their episcopate, is a true Evangelist and Doctor or divinely authenticated Teacher within his own Diocese. He has power to preach the Word of God, not only in churches and places which are subject to him, but even in the churches of Regulars, which are exempt from his jurisdiction and are directly subject to the Apostolic See. He is by his office bound to the ministry of the Word, and no one else can preach the Word within his Diocese without his consent, or at least against his expressed will. He is bound to preach in person in his Cathedral Church; or, if lawfully hindered, to procure fit substitutes for the fulfilment of this function, which in other churches of the Diocese is exercised by the Parish priests. No custom or practice to the contrary avails to exempt a Bishop from this obligation. It would be contrary to Divine precept, and would be a corruption of ecclesiastical law.

To parish priests there belongs by law the obligation of preaching the Word of God; but the exercise of this office is subject to the watchful care of the Bishop, as regards both the doctrine preached, and the times for preaching it. The Bishop has, moreover, power to designate other preachers besides those who are by office bound to preach. As regards Regulars, appointment to preach depends on the approbation and leave of their superiors; but before they preach in churches even of their own order they are bound to present themselves in person with the leave of their superior before the Bishop, and ask his *blessing*. In other churches they ought, besides the leave of their superior, to ask also the *leave* of the Bishop. If a Regular should preach error in his own church, or in the church of another order, the Bishop has power to inhibit him from preaching in his Diocese. If he should preach heresy, the Bishop has power, as delegate of the Apostolic See, to proceed against him, notwithstanding his privilege of exemption from Episcopal jurisdiction. The council of Trent ordained that no one, secular or regular, should presume to preach, even in the churches of his own order, if the Bishop has *forbidden* his preaching.

A Bishop is by birthright the Inquisitor of heretical depravity within his Diocese. He

ought to watch and prohibit the introduction of false doctrines, and to proceed against delinquents. A Bishop has power also to prohibit the reading by his subjects of bad books which corrupt either faith or morals.

These details serve to show how extensive are the powers of a Bishop as an official guardian and authoritative teacher of the faith within his Diocese.

Since Bishops are set to rule the Church of God, they have right to make laws for the spiritual welfare of their subjects, and to attach penalties to transgression of those laws. Bishops have, however, been cautioned by the Apostolic See to beware of making these penalties too grievous, and especially of easily inflicting censures to be incurred by the simple fact of transgression.

Bishops have no power to define any new doctrine as of faith ; and they ought not by any law or decree to condemn doctrines which are held or defended without prejudice to faith. As regards morals and discipline, Bishops have no power to interfere with or to alter observances of the Universal Church. It is their practice, on the contrary, to direct all their energies and to make every effort to secure the uniformity of their Dioceses with the Universal Church, and

the promotion and preservation of oneness of profession of doctrine, of administration of sacraments, and of action throughout the whole Christian commonwealth.

A Bishop is a true Judge Ordinary within his Diocese, with regard both to matters of conscience, and to external rule. He is Penitentiary for the whole of the Diocese, with power to bind and to loose. The exercise of this power may nevertheless be limited by the Supreme Pontiff, through his positive reservation of certain cases to himself for absolution. The Bishop also has power to reserve certain cases to himself for absolution; and over these neither Parish Priests nor the Canon Penitentiary of the Diocese have any power.

At one time the Bishop of a Diocese was in actual possession of all the goods and revenues of the whole Diocese, and supported the clergy either at his own table, or by a distribution of supplies to them at stated times. After the institution of benefices, he gave to each holder of a benefice his own prebend. Hence the Bishop has in law a right with regard to bestowal of benefices, with the exception of those benefices which, either by reservation or by privilege, belong to the Roman Pontiff, or to some patron. The Bishop has power also to erect benefices,

to unite them and to divide them, so far as this is not forbidden to him by law. In short, and as a general principle, the Bishop rules and governs his own Diocese in all spiritual matters and matters therewith connected, with the exception of those which have been withdrawn from his power either by common law, or by decree of supreme authority.

8.

In early times it was from motives of devotion merely that the Bishops made the journey to Rome, and their visits to the Tombs of the Apostles. Gradually, however, there grew up an obligation to the making of this visit; and it was included in the formula of the oath taken by new Bishops. For some time this duty was only to do reverence to the Apostles Peter and Paul, and to pray at their sepulchres, and as a sign of obedience and subjection to the Roman See. At length occasion was taken of this visit for the Bishops to give account of their pastoral administration, and of the state of their Dioceses. A precept to this effect was confirmed by Sixtus V. in 1585. He ordained that all Patriarchs, Primates, Archbishops, and Bishops, even if they were also Cardinals, should be bound by oath before their consecration to visit in person the

Tombs of St. Peter and St. Paul and, if lawfully hindered, to do this by means of a procurator who should be furnished with a special mandate. The times designated by the Pontiff in his Bull were, for the Bishops of Italy and the adjacent islands and provinces, every third year; for the Bishops of Germany, France, Spain, Belgium, Bohemia, Hungary, England, Scotland, and Ireland, and all others in Europe about the Baltic Sea and German Ocean, and in the islands of the Mediterranean, every fourth year; for the Bishops in more remote parts within Europe, and in Africa, and in the islands of the North Sea, and of Western Europe and Africa, every fifth year; and for the Bishops of Asia, and other parts of the world, every tenth year.

The obligation was extended by Benedict XIV. in 1740 to those Abbots of a monastery or church who have quasi-episcopal jurisdiction in a separate territory.

Vicars Apostolic present the Reports of their Vicariates to the Sacred Congregation of Propaganda; and so do the Bishops of countries which, although the Episcopal hierarchy has been restored, are still in dependence on that Congregation, such as the Bishops of England, Scotland and Ireland, Other Bishops present their Reports to the Sacred Congregation of the Council.

Thus do the successors of the Apostles in their episcopate follow in the footsteps of him who, although in his Apostolate he in no way came short of those who were above measure Apostles, went up after three years to Jerusalem "to see Peter," and who after fourteen years went up again to Jerusalem with Barnabas, taking Titus also with him, and communicated the gospel which he preached among the Gentiles, but apart to them who seemed to be something, lest perhaps he should run, or had run, in vain.

CHAPTER II.

Elements in the Church of human institution.

Besides the two elements in the visible Church which are of *Divine* institution—primacy and priesthood—as these are embodied in the Pontificate and the Episcopate—there exist other elements which are of human or ecclesiastical institution. Beside Supreme Pontifical power and Episcopal power, there are powers which are supra-episcopal, but which are less than Pontifical power in its fulness. The Roman Pontiff is not acting at all times with the full intensity of his Supreme power. Within that power there are included lesser powers, such as his special rights as Metropolitan over the ecclesiastical province of Rome, and his Patriarchal rights over the Western Patriarchate. These rights are included in his supreme and universal power. When, therefore, the Council of Nice expressly confirmed those Patriarchal rights which were of ecclesiastical institution only, it neither meant to confirm, nor had it power to confirm the Patriarchal rights of the

Bishop of Rome. It recognised those rights, and set them forth as an argument of congruity for the bestowal of similar Patriarchal rights on certain other Sees, and as a norm of the Patriarchal rights which these also might possess.

2.

There were at first only three Patriarchal Sees, Rome, Alexandria, and Antioch. These three had a primacy of honour, and had obtained certain special rights, on account of their origin from St. Peter. The See of Alexandria was founded by St. Peter, through St. Mark[1], and the See of Antioch was governed by St. Peter himself for seven years. These two Sees were therefore regarded in the East as Sees of the first rank, or primatial Sees. On the See of Rome, to which he went from Antioch, and in which he died, St. Peter conferred the Divine rights of the Primacy of the Universal Church, and left them to his successors. Rome was thus the primatial See of the whole Church, both East and West.

It was from Peter, therefore, that is to say, from his primatial authority of Divine right, that the origin of the old Patriarchal Sees of the East was derived. Other and lesser grades of more than Episcopal power, and of less than

Papal power, have been derived also from the supreme power of Peter which resides in the Roman Pontiff. The Bishops were powerless to grant a power which is greater than their own power; and a power which is greater than Episcopal power can be none other than a power communicated by him to whom all Bishops are subject. This communication was made either expressly, when the Roman Pontiffs granted a special privilege to some particular See; or tacitly, when they approved the acts of Councils in which some prerogative of honour or jurisdiction was attributed to a particular See.

When the old city of Jerusalem was destroyed, a new town was built not far from it, and was called Ælia Hadriana. Hence the Bishop of this See was styled in the Nicene Council the Bishop of Ælia. Ælia being subject to the Metropolis of Cæsarea, he was within the Patriarchate of Antioch. In honour, however, of our Lord's Passion and Burial, the Bishop of this later Jerusalem came to be called a Patriarch, even in Councils, and to have his seat in them next after the Patriarch of Antioch. Finally, in the Council of Chalcedon in 451, Patriarchal rights were granted to the See of Jerusalem, and a Patriarchal territory

was constituted, consisting of the three provinces of Palestine.

When the seat of the Roman empire was transferred to Byzantium, the Bishop of the new Rome began to claim for himself rights over the other Bishops of the East; and at length in the Council of Constantinople, and more clearly in the Council of Chalcedon, the Fathers of these Councils declared that the Bishop of Constantinople should hold the second place, next after the Roman Pontiff, who was Bishop of old Rome, and with precedence over the other Patriarchs of the East. This decree was not approved by St. Leo the Great[2], who confirmed other Acts of the Council, nor by the Roman Pontiffs, his successors up to the time of Innocent III., who for the sake of peace approved it. This Pontiff decreed that the order of the Patriarchs, after the Roman Pontiff—who has primacy over the Universal Church, from whom they obtain the Pallium of Patriarch, and to whom they promise obedience—should be in the first place, Constantinople, in the second, Alexandria, in the third, Antioch, and in the fourth, Jerusalem.

3.

In the discipline of the present day, three Bishops are consecrated at Rome with the titles

of Patriarchs of Constantinople, Alexandria, and Antioch respectively. They reside at Rome, and they have a precedence of honour over Bishops, Archbishops and Primates.

There are also at the present day the Patriarch of the Maronites of Antioch, the Patriarch of the Melchites of Antioch, the Patriarch of the Syrians of Antioch, the Patriarch of Jerusalem of the Latin rite, the Patriarch of the Chaldeans of Babylon, and the Patriarch of the Armenians of Cilicia. All these Patriarchs are bound by ecclesiastical law to residence in their own Sees.

Besides the ancient or Greater Patriarchs, as they are called, there are in the Latin Church certain Bishops to whom the title of Patriarch has been granted by way of honour. The most ancient of these honorary Patriarchates was that of Aquileia. From this Patriarchate, on the division of it after the sixth century, there arose the Patriarchate of Grado. In 1451, the title of this second Patriarchate was transferred by Nicholas V., to the Bishop of Venice, who is still styled Patriarch. In 1751, the Patriarchate of Aquileia was suppressed, by Benedict XIV. Paul III. instituted the honorary Patriarchate of the West Indies, and with this title the Chaplain of the King of Spain is distin-

guished. To balance this, Leo XIII. instituted at Goa the honorary Patriarchate of the East Indies. From Clement XI., in 1716, the Archbishop of Lisbon obtained the title of Patriarch.

These honorary dignitaries are called Lesser Patriarchs, to distinguish them from the Greater Patriarchs.

Patriarchs have the right of being Assistants at the Pontifical Throne; and they have no one superior to them in rank, except Cardinals. As a sign of jurisdiction they can, when outside Rome, wear the rochet uncovered; and in Rome, they wear the mozetta over the mantelletta, as do Cardinals. They have the right to consecrate Bishops in Rome, if they cannot find a Cardinal for the ceremony.

4.

In the Roman Empire, the first or principal city in a province was called the Metropolis, or Mother of the other cities of the province. On the lines of this practice the Church constituted a Bishop to whom should be subject the Bishops of other cities of the province. Hence this Bishop is called the Metropolitan or Archbishop. His See is called the Metropolitan See.

There is a trace of this arrangement in even

Apostolic times. St. Titus was left by St. Paul at Crete to have superintendence over the whole island, and over its various Churches, with their pastors. St. Paul also left St. Timothy at Ephesus to watch over the whole of the Asiatic Province. These traces have confirmation also from the mention made by the Apostles in their writings of the provinces into which the Roman Empire was divided. They speak of Pontus, Galatia, Cappadocia, Asia and Bithynia, Syria and Cilicia, Macedonia and Achaia. In writing to the Church in the principal city of a province, they had in view the whole province. St. Paul wrote to the Corinthians, whose city was the principal city of Achaia; and to the faithful of Thessalonica, which was the centre of a province in Macedonia.

It does not, however, follow from this that the origin of Archbishops was of Divine institution, and that the status of Archbishops is of Divine right. The establishment of them was merely a prudent arrangement adopted by the Apostles in order to the more easy and rapid propagation of the Gospel.

In like manner certain Bishops were in ancient times established in the principal city of a kingdom or nation, with pre-eminence over all others, whether simple Bishops or Metropolitans.

In the West they were called Primates, and in the East, Exarchs. In the West, Canterbury, for instance, was the Primatial See for the whole of England, and Armagh for Ireland. In the East, there were the Exarchs of Heraclea in Thrace, of Cæsarea in Pontus, and of Ephesus in Asia Minor.

The Roman Pontiff is still in the practice of addressing his Encyclical Letters—To Our Venerable Brethren, all Patriarchs, Primates, Archbishops, and Bishops of the Catholic World, in grace and communion with the Apostolic See.

The Pope, besides being Supreme Pontiff of the Universal Church, is Bishop of Rome—Metropolitan of the Roman Province from Capua to Pisa—Primate of Italy—and Patriarch of the whole of the West.

5.

The first and, as it were, fundamental right of Patriarchs is to have jurisdiction as Ordinaries over all Bishops, even Metropolitans within their Patriarchates. At one time they had power to depose their suffragans, but this is now reserved to the Roman Pontiff. They used also to confirm those Archbishops elect who

were not in immediate subjection to the Roman See. This, however, they had no power to do until after they had received the Pallium from the Roman Pontiff, and taken the oath of fidelity and obedience. They also gave the Pallium to Metropolitans, receiving from them a profession of canonical obedience to themselves, and a promise of obedience to the Roman Pontiff. (Santi., *Prælectiones Juris Canonici*, 3rd Ed., 1898, vol. I., p. 340.)

Patriarchs likewise supplied for the negligence of Metropolitans in the visitation of their dioceses, and in the bestowal of benefices. They received complaints against such Archbishops as were not exempt. There was an ancient privilege among the Patriarchs of the East that in the foundation of a new monastery the Patriarch could, if he willed, by planting a cross, withdraw the monastery from the jurisdiction of a suffragan Bishop, and subject it immediately to himself.

At one time Patriarchs sat and walked immediately after the Roman Pontiff, and before even the Cardinals. This privilege of honour, however, passed away as the Cardinals came to be regarded as members of a corporate and collegiate body the head of which is the Roman Pontiff. Since that time Patriarchs have the

first place after the Cardinals. The insignia of Patriarchs are the Pallium, and the Patriarchal cross which is borne before them[3].

Since the Eastern schism, the Greater Patriarchs have no longer their place in Canon Law, and retain only their titles. Even the restored Patriarchate of Jerusalem has only Metropolitan rights. The Lesser Patriarchs are like Primates; and Primates are like Archbishops with more extensive powers.

Primates had at one time jurisdiction over the Archbishops and Bishops of a Kingdom or Nation[4]; but now, with the exception of calling and presiding over National Synods, there remains to them only a primacy of honour among the other Bishops and Archbishops, and the care of watching over the observance of ecclesiastical laws which have been made for the whole of a kingdom or nation, and of preserving ecclesiastical rights which belong to that kingdom or nation.

6.

An Archbishop or Metropolitan is a true Bishop within his own Diocese. With regard, therefore, to the subjects of his Diocese he has the same rights, and the same obligations as belong to other Bishops in their own Dioceses.

As regards the Dioceses of his Suffragans,

the jurisdiction of an Archbishop is the jurisdiction of an Ordinary, since it is attached to the Archiepiscopal See. It is, however, of human right only, and not of Divine right, since it has been granted to him by the Church. Hence he can do no more than has been granted to him by law. A Bishop can, on the other hand, within his own Diocese, do everything except those things which have been reserved, either by a general law, or by the will of his Superior. The reason of this is, because Episcopal authority is of Divine institution, and not of human concession or delegation; although, and equally of Divine institution, it is dependent on, and can be limited, although it cannot be abolished, by Supreme authority.

The bestowal of Cathedral Churches is reserved to the Roman Pontiff; and the preconization or publication of election to a Cathedral See, by the Pontiff in Consistory, holds the place of the Confirmation, which was at one time given by the Metropolitan to the elect Suffragans of his Province.

An Archbishop or Metropolitan has the jurisdiction of an Ordinary over his Suffragans, and, as their immediate Superior, has power to prescribe to them in matters pertaining to their office, and this even under censure. He has power also to supply for their deficiencies, and

to correct abuses. In the employment of censures, however, he has to exercise the greatest moderation and circumspection, and he cannot proceed without leave of the Sacred Congregation of the Council.

An Archbishop has power also to correct or to confirm the sentences of his Suffragans when brought to his tribunal by way of appeal on the part of their subjects.

At one time the Archbishop gave leave to his Suffragans to remain outside their Dioceses beyond the three months granted to them by the Council of Trent, setting his reasons for the leave before his other suffragans in Provincial Council; but Urban VIII. in 1634 reserved the causes of legitimate absence to the Roman Pontiff.

If a Bishop will not institute to a benefice a person who has been presented by the Patron, institution may be sought from the Archbishop. If the institution is to a benefice with cure of souls, and it is not given by the Bishop within two months, the Patron can go to the Archbishop, or to the Pontiff.

When a Bishop neglects to make visitation of his Cathedral Church, and of the whole of his Diocese, the Archbishop has power to supply for his negligence; and when he makes his visitation he has all the rights of a Bishop. He

cannot, however, enter on the visitation of the Diocese of a Suffragan until after he has completed his visitation of his own Diocese, and unless the cause of his visitation has been approved in Provincial Council.

Since an Archbishop has not jurisdiction in the Dioceses or over the subjects of his Suffragans, except in case of devolution, or in a matter which concerns the whole Province, he cannot do in those Dioceses any act of true jurisdiction. He has right, however, to have his cross carried before him, to bless the people, and to pontificate in the Divine offices. (See ZITELLI, "*Apparatus Juris Ecclesiastici*," p. 162.)

An Archbishop has power to summon his Suffragans to a Provincial Council every three years, and at it he presides. The Acts of the Council are not to be published, until they have been examined and approved by the Apostolic See. In Italy, however, Provincial Councils cannot be held without leave from the Holy See[5].

Besides Provincial Councils, there were at one time *Plenary* Councils for the whole of a country, such as the third Council of Carthage for Africa; and *National* Councils, such as those for the States of Germany. These were never, however, regarded as a necessary element of

ecclesiastical government; and since the power of Primates declined, it is, comparatively, seldom that they have been held. Hence the Council of Trent makes no mention of them, and treats only of Provincial and Diocesan Synods.

Up to nearly the end of the fifteenth century, there was no Metropolitan See in the Kingdom of Scotland. Although there were two Archbishops and eleven Suffragan Bishops, all were in immediate subjection to the Roman See, as to their Metropolitan, as well as in subjection to the Bishop of Rome as Supreme Pontiff. The Bishops of England made many endeavours to subject to themselves the Bishops of Scotland, but in vain. Alexander III. in a Letter to the Bishop of St. Andrews in 1170 confirmed this freedom of the Church in Scotland. Honorius III. in 1218 took the Kingdom under the direct protection of the Holy See, as a "special daughter," and with no one intervening to whom, as to a Metropolitan, it should be subject. Eugenius IV. wrote as Metropolitan of Scotland to the Scottish King. Paul II. reasserted the freedom of the Bishops of Scotland from the Metropolitans of England. Although, however, the Church in Scotland had no true national Primate and Metropolitan, yet the Bishop of St. Andrews had the name of First Bishop—

Chief Bishop—or Bishop of the Scots. He was also Legate *a latere* of the Pope, and he had the privilege of crowning the Scottish Kings. To obviate the attempts at subjection by the Bishops of England, Sixtus IV. issued a Bull in 1472, at the request of the King, by which, in consideration of the difficulty and expense of recourse to Rome as to the Metropolitan See, he erected the See of St. Andrews into the Metropolitan and Archiepiscopal See of the whole Kingdom. After this, and on account of certain questions between the Archbishop of St. Andrews and the Bishop of Glasgow, Innocent VIII. exempted the See of Glasgow from the jurisdiction of the Primate of St. Andrews, and ordained that it should be directly subject to the Holy See. The same Pontiff in 1491 separated from the Province of St. Andrews the Churches of Glasgow, Dunkeld, Dunblane, Candida Casa, and Lismore, and erected the Church of Glasgow into a Metropolitan Church with Archiepiscopal dignity, jurisdiction and superiority, and constituted the other four Churches as its Suffragans.

At the restoration of the Hierarchy in Scotland begun by Pius IX. and completed by Leo XIII. in the first year of his Pontificate, the latter Pontiff, by Apostolic Letters in 1878, erected six out of the thirteen ancient Sees, namely,

St. Andrews with Edinburgh attached to it, Glasgow, Aberdeen, Dunkeld, Galloway or Candida Casa, and Argyle and the Isles, as Episcopal Sees, and made the See of St. Andrews to be the Metropolitan or Archiepiscopal See with four Suffragan Sees, so that these should constitute one ecclesiastical Province. On the Ordinary of Glasgow he bestowed the name and prerogative of Archbishop, but only as a title of honour, and commanded him to attend the Provincial Synod of Scotland along with the other Bishops, so long as he should remain without Suffragans. It is no new thing, says Benedict XIV. in his work, On the Diocesan Synod, that one should by privilege be adorned with the title of Archbishop and Metropolitan without his obtaining, in addition to this prerogative of name and honour, any right of a true and proper Archbishop and Metropolitan. Such was the Bishop of Jerusalem on whom, in honour of his See, the Fathers of Nice bestowed some Metropolitical right, but merely of honour, since he remained subject to the Bishop of Cæsarea, although it was their will that he should have higher place than the other Bishops of the Province. Following this example, the Roman Pontiffs have sometimes given the name and insignia of an Archbishop to certain Bishops, without any of the rights of

a true Archbishop, and this even without withdrawing these honorary Archbishops from subjection to their Metropolitan. (*Acta Sanctæ Sedis.* 1878. Vol. xi., p. 13.)

Under the name of the Roman Province, of which the Bishop of Rome is Metropolitan, and within which there is no other Metropolitan, come also all Bishoprics throughout the world which are exempt from any local Metropolitan, and are immediately subject to the Apostolic See. These can have recourse and appeal to the Bishop of Rome, not only as he is Supreme Pontiff and Universal Bishop, but as he is also their own Metropolitan. Of this the case of Scotland in ancient times is a conspicuous example.

7.

The Pallium is a distinctive sign, which signifies supra-episcopal power. In itself it is simply a strip or band of white woollen, marked with four crosses, worn over the shoulders and breast, with ends hanging a little way down. Before the thirteenth century the crosses were red in the Latin Church, but now they are black (Santi., *ibid.*, p. 89). In the Greek Church the crosses used, at one time, to be red, but now

they are purple and gold. The Pallium was, and is, held in the Church to be a sign of ecclesiastical jurisdiction. As such it may be defined as being an article of ecclesiastical vesture, taken from the body of Blessed Peter, and granted by the Roman Pontiff to Archbishops, and to other dignitaries of still higher rank, as expressive of supra-episcopal power.

The Pallium as representing the mantle of St. Peter, which fell to his successors in the See of Rome, was even in ancient times not worn exclusively by the Roman Pontiff, but was sent by him to certain Bishops, as to his Vicars. Thus we read of Pelagius I. in the middle of the sixth century sending the Pallium to the Bishop of Arles. Those Bishops who received it were held to have special power, and a power superior to the power of other Bishops. Hence when in addition to the two grades of Ordinary jurisdiction, which are of Divine right as instituted by Christ Himself—the Pontificate and the Episcopate—there were introduced by institution of the Church intermediate grades of supra-episcopal jurisdiction, such as Metropolitan, Primatial and Patriarchal jurisdiction, it came to pass that the Pallium began to be sent by the Roman Pontiff to Metropolitans or Archbishops, to Primates or Exarchs, and to Patriarchs. It was sent by him as a sign of a supra-episcopal

jurisdiction which is a participation of his solicitude for the Universal Church. Of this world wide solicitude he thereby granted a partial share to certain Bishops for the benefit of a Province, a Kingdom, or a Patriarchate.

The Pallium is said to be taken from the body of Blessed Peter. This is to set forth that supra-episcopal power is a participation of the primatial power of Peter which resides in the Roman Pontiff. The rite of blessing and of keeping the Palliums in the Roman Church signifies the intention of the Roman Pontiff that Archbishops, Primates, and Patriarchs should recognise that their supra-episcopal power proceeds from the power of Peter. At one time it was on the anniversary of St. Peter's martyrdom, and now it is after Vespers on the Vigil of that feast, that the Roman Pontiff himself blesses the Palliums, and deposits them, by the hands of his Chaplains the Auditors of the Sacred Rota, in the confession of the Basilica of St. Peter, near the spot where the body of the Apostle is preserved.

By custom the Pallium is sometimes granted, but by way of honour only, to certain other Bishops, on account either of special circumstances connected with their Sees, or of their own personal merits.

In that portion of the Eastern Church which is Catholic and in communion with the Apostolic

See, each of the four Greater Patriarchs bestows the Pallium on the Archbishops and Exarchs of his Patriarchate. No one of them, however, has power to do so until he has himself received the Pallium from the Roman Pontiff. This makes it manifest that the Roman Pontiff is the centre of supra-episcopal authority.

An Archbishop, before he has received the Pallium from the Roman Pontiff, cannot be absolutely called an Archbishop. Although consecrated, he cannot perform such functions as would seem to indicate Archiepiscopal power, and still less can he do acts of Archiepiscopal jurisdiction[6]. Even as regards exercise of his own Episcopal power of order, he is forbidden to make Chrism, to ordain Clerics, to consecrate Bishops, and to dedicate Churches. The reason is because, although these are purely Episcopal functions, they are, when performed by an Archbishop, done by him during Solemn Mass, and in Pontificals with the Archiepiscopal Pallium. After his confirmation, however, and before he has received the Pallium,he can assign these functions to be performed by a Suffragan; since he, as simply a Bishop, has not in the doing of them to wear any sign of supra-episcopal power, of which he is not in expectation. For the same reason, an Archbishop, before receiving the

Pallium, can perform such exercises of Episcopal order as do not require the wearing of the Pallium, and are done outside Solemn Mass. He can, for instance, administer Confirmation, and bless sacred vestments, vessels, and cemeteries. As regards jurisdiction, an Archbishop, before receiving the Pallium, has no power to call a Provincial Synod, or to make visitation of the Dioceses of the Archiepiscopal Province.

Archbishops, Primates, and Patriarchs, after their confirmation—and that is, in accordance with the practice at the present day, after their promotion in Consistory—are bound forthwith to petition for the Pallium, since without it they cannot enter on their proper functions. The petition may be made by means of a procurator, if they are hindered from making it in person.

The Pallium is not a sign of plenitude of power, or of supreme power, in the case of Archbishops, Primates, and Patriarchs; but is a sign of their call to a partial share of the Pontifical solicitude for the Universal Church. It is a territorial sign. It is also a personal sign. Hence an Archbishop cannot wear the Pallium in all places or at all times, but in those places and at those times only where and when it is allowed to him by law. An Archbishop cannot wear it outside his Province, a Primate outside

his nation, or a Patriarch outside the bounds of his Patriarchate. An Archbishop can wear his Pallium on the more solemn feasts of the year, on the anniversary of his consecration, and when he is either ordaining Clerics, consecrating Suffragans, or dedicating churches. He can wear it only inside the church, and not in processions outside the church. He can wear it not only in the churches of his own Diocese, but also in all the churches of his Province. He cannot wear it in churches outside his Province, unless he is in possession of a Privilege to this effect, along with the consent of the Archbishop of the Province. The Pallium of one Province cannot be worn by an Archbishop in another Province to which he has been transferred. For that new Archiepiscopal See he must petition for a new Pallium. An Archbishop cannot lend or give his Pallium to another Archbishop. When he dies his Pallium ought to be buried with him, placed upon his body. If he has passed from one Archiepiscopal See to another, both Palliums are to be buried with him; the Pallium of the later See in its proper place, and the Pallium of his former See either under his head or on his body. The Pallium is, as we have seen, a *personal*, as well as a *territorial*, adornment.

St. Gregory the Great in a Letter addressed by

him to St. Augustine, the Apostle of Britain, in 601 says: 'Since the new Church of the English 'has been brought to the grace of Almighty God, 'through the favour of the same Lord and your 'labours, We grant you the use of the Pallium to 'be used in it (the English Church) exclusively at 'the solemn celebration of the Mass; in order 'that you may ordain for as many places twelve 'Bishops, who shall be subject to your rule; but 'so that the Bishop of the City of London may 'in future be consecrated by his own Synod, 'and receive the Pallium of office from this 'Holy Apostolic See, to which, by God's ordi-'nance, I minister.'

St. Gregory then goes on to arrange for the consecration of an Archbishop of York, 'that he 'also may ordain twelve Bishops and enjoy the 'dignity of a Metropolitan; for, if spared, we pro-'pose, with the Divine permission, to give him 'also the Pallium,' determining, at the same time, that the Primacy is to remain with the Southern Archbishopric.

That the Pallium was to be obtained only of the Roman Pontiff, the Vicar of Jesus Christ, was acknowledged in the General Synod of the Franks held in 745 under the presidency of St. Boniface. That it symbolised the fulness of the Pontifical office is attested by the words of the Eighth General Synod in 870. Pope Nicholas

in his celebrated Answer to the Bulgarians (866), laid it down that an Archbishop could not lawfully exercise any ecclesiastical function except the celebration of Mass until he had received the Pallium. The Synod of Ravenna a few years later enacted that each Metropolitan should make application to the Holy See for this significant emblem of jurisdiction within three months of his consecration. In view of modern Anglican theories of continuity, it is interesting to note that the French Canonist, Thomassinus, writing in the seventeenth century, draws his most conspicuous examples of the dependence upon Rome symbolised by the Pallium from the history of the Church, not in his own country, but in England.

Let us follow his example by setting down here the form of oath taken by an English Archbishop on receiving 'the Pallium taken from 'the body of blessed Peter, that is to say, the 'fulness of the pontifical office.'

'I, Robert, Archbishop of Canterbury, from 'this hour forward, will be faithful and obedient 'to St. Peter, to the Holy Apostolic Roman 'Church, to my Lord Pope Celestine and his 'successors canonically entering. I will not join 'in any counsel or agreement or deed to deprive 'them of life or limb, or to bring them into cap-'tivity. I will disclose to no one any counsel

'which may have been entrusted to me, whether 'by themselves or their nuncios, or by letters, in 'any way which to my knowledge will cause harm. 'I will give aid, saving my order (*i.e.*, so far as the 'canons which forbid bloodshed to an ecclesiastic 'permit), to defend and to maintain against every 'man the Papacy of the Roman Church and the 'royalty of St. Peter. When called to a Synod I 'will come unless hindered by a canonical im-'pediment. I will treat with honour the Legate 'of the Apostolic See in his coming and returning, 'and I will help him in his needs. I will visit the 'thresholds of the Apostles every three years, 'either in person or by deputy, unless I be ab-'solved by Apostolic dispensation. The posses-'sions which appertain to my Episcopal board, I 'will not sell or give away, or pledge, or enfeoff 'afresh, or alienate in any way without having 'first consulted the Roman Pontiff. So may God 'help me and these Holy Gospels.'

Of this translation, by the Rev. Herbert Thurston, S.J., in his interesting antiquarian monograph on the Pallium, the original is in Wilkins, vol. ii., p. 199, and was drawn up for Archbishop Winchelsey. A similar oath is now taken by every Bishop at his consecration.

With the bestowal of the Pallium is also bound up the right to use that other external attribute

of a Metropolitan—the Archiepiscopal cross. 'Before receiving the Pallium,' says the *Pontificale*, 'the Elect cannot have his cross borne 'before him, but only afterwards.' That this rule has existed at least from the beginning of the twelfth century is proved by a letter of St. Anselm's in which he severely rebukes Samuel, Archbishop of Dublin, for disregarding the prohibition. When an Archbishop, having been invested with the Pallium, is in enjoyment of his full powers, his cross is held up before him when he gives his blessing, and in respect for that sacred emblem he remains bareheaded. In this way it happens that a Bishop in giving his solemn benediction wears his mitre; while an Archbishop within his own province does not.

8

Besides ecclesiastics who possess supra-episcopal power, there are ecclesiastics who possess quasi-episcopal power. Some who are simple priests, and not Bishops, are in possession of jurisdiction as Ordinaries. These are commonly called Abbots or Lesser Prelates; and of them there are three kinds.

The first and lowest class consists of those who are presiding over persons who have their dwelling within the bounds of some Monastery

or Church, with passive exemption from the jurisdiction of the Bishop, and immediate subjection to the Roman Pontiff. Of this kind are Regular Superiors, and Secular Prelates with their clergy in exempt Collegiate Churches.

The second class consists of those Prelates who have active jurisdiction over the clergy and people of a place, but who are contained within the bounds of some Diocese, by which they are on all sides circumscribed.

The third and highest class consists of those Prelates who have active jurisdiction over the clergy and people of some place or town, or some places or towns, which constitute a proper territory, separate from the Diocese of any Bishop whomsoever; and which therefore constitute a quasi-diocese, in which the Prelate can do nearly everything which belongs to Episcopal jurisdiction, with the exception of those things the doing of which requires Episcopal consecration. These Prelates are styled *Nullius*, of no (Diocese, understood); and they are reckoned among Local Ordinaries.

9

Among other local ordinaries are Parish-Priests. In the first ages of the Church, people, priests, and ministers were, as regards sacred

offices, in closest combination with the Bishop. As the number of the faithful increased, priests began to be sent out from the Cathedral Church by authority of the Bishop for the succour and spiritual consolation of the faithful, but to return again to the Cathedral. These priests had the name of visiting priests or circuit priests. By and bye churches began to be erected in the smaller towns and villages, and to these priests were attached. This practice began in the Eastern Church, and passed to the Western Church in the fourth century. The priests attached to these lesser churches were called *cardinal* priests or, as the word from *cardo* a hinge signifies, priests hinged on to those churches, or through whom those churches were hinged on to the Cathedral, as principal or mother Church. They were also sometimes and in some places called vicar priests, or alien priests, as strangers in the villages to which they were sent, and pleban priests, or people's priests. They came finally to be called Parish priests. Thus the institution is more ancient than is the name of Parish priests, given to distinguish them from simple priests; although at one time their power in cure of souls was not *ordinary* power, but a power committed to them by the Bishop. It was gradually, therefore, that it came to pass that a Christian people which, as a whole, was at one

time ruled immediately by the Bishop, and fed as one flock by the Bishop both with sacraments and with preaching of the word of God, was divided into particular sections, each one of which was presided over by its own Parish priest, who was himself dependent on the Bishop.

A Parish is therefore to be regarded as a constituent part of a Diocese; and a Diocese as a whole consisting of Parishes, as of its parts. A Parish may be defined as being a certain Church in a Diocese, with a definite people of its own, contained within certain local limits, and with a priest of its own as its ruler who, with mission from the Bishop, and with dependence on him, officially administers to this people the Sacraments, the word of God, and other spiritual matters. A Parish Priest is therefore not merely a priest who exercises cure of souls through the preaching of the word of God, and the administration of certain sacraments. He is a priest lawfully deputed to minister these, by obligation, and in his own name, to a certain number of persons in the Diocese. From this we see what is required in order that there should be a Parish. There must, in the first place, be a certain territory within which the church is which constitutes the title to the Parish, and is called the Parochial

Church. A Parish is on the pattern of a Diocese, of which there are certain territorial limits, and in which there is a Cathedral Church. The erection of a church into a Parish, and the circumscription of the place with certain bounds, is effected by the Roman Pontiff or by the Bishop, and cannot be effected by any other person. Parochial power is a participation of the pastoral office which is, of divine right, proper to the Bishop. Within the bounds of Cathedral cities there were no parishes for a thousand years; and even at the date of the Council of Trent there were still some Cathedral cities without parishes.

Further, of a Parish there must be one perpetual special ruler. Hence Parishes are in law regarded as being so many perpetual benefices. Even if the cure of souls should be committed, as it sometimes is, to a corporate body, it is exercised through one vicar whose appointment is perpetual, or for life. No other members of the Chapter or Monastery have power to interfere in the exercise of the cure of souls except, it may be, in the case of a few acts indicative of dignity which have been reserved by the Chapter or Monastery in the foundation of the vicarage.

The third requisite in order to the existence of a Parish is that to the Parish priest there should belong the power to bind and loose in the tribunal of penance. This power belongs to a Parish

priest in virtue of his office. It is by law annexed thereto. It is therefore the power of an Ordinary, although it is at the same time a participated power, derived from Episcopal power. This ordinary power is exercised by a Parish priest over all his subjects. His ordinary jurisdiction has reference properly and directly to the internal forum, or court of conscience. The Parish priest represents the Bishop to his parishioners under his paternal aspect, as spiritual father of the faithful. Hence he does not inflict censures, or public punishments in judicial form, nor does he absolve from these; unless in particular cases he has obtained this power by custom, or in virtue of a privilege.

Although the Bishop can, absolutely speaking, if he pleases, administer all the sacraments in a Parish; yet as exclusive of all other priests in the Parish the administration of sacraments is reserved to the Parish priest. Apart from a case of necessity, it is only with his leave that other priests can lawfully baptise; so also with regard to the paschal communion which has to be made in the Parish Church, and the carrying of the Viaticum to the dying. Since the Parish priest has power as an Ordinary in the tribunal of penance he does not require any special delegation from the Bishop to administer the Sacrament of Penance to his own parishioners; and he is

bound to do so, apart from any canonical impediment. At one time the faithful were obliged once a year to confess to their own Parish priest. Although at the present day every priest, who has been approved by the Bishop, has power to hear confessions—and so it has been introduced by custom that every one of the faithful has right to select, even for his annual confession, a confessor from among the Priests who have been approved by the Bishop—yet it remains reserved as proper to the Parish priest that he should have power to hear the confessions of his own parishioners in another Diocese in which he has not received the approbation of the Bishop. Carrying members of his flock with him, he remains their Ordinary, and retains his jurisdiction over them. It is only with leave of the Parish priest that any other priest can lawfully administer the Sacrament of Extreme Unction. Regulars who, apart from a case of necessity, presume to administer either Extreme Unction or Viaticum without his leave, against his will or without his knowledge, to either laymen or clerics, incur excommunication. Without leave of the Parish priest, or leave of the Ordinary, no other priest has power to assist as the qualified, approved, and authorised witness of the church at marriages, or to bless and solemnise them. A Parish priest is bound to offer the sacrifice of the Mass for the people of

his parish on all Sundays and feast days of obligation, and even on those feasts which were formerly of obligation and on which, by dispensation of the Pontiff, the faithful are not now bound to hear mass. A Parish priest is also bound, either in person or, if lawfully hindered, through a fit substitute, to feed his flock, however small, with the word of God, in accordance with their capacities, at least on all Sundays, and solemn feasts.

A Parish priest is reckoned as a prelate in his Parish Church, or as the vicegerent of his Bishop. Hence within his own territory he has the presumption in his favour of freedom and independence. To him pertain the revenues of the parish, so that all the offerings made and alms collected within the bounds of it are subject to his administration; since, unless otherwise expressed or manifest, offerers are held to have made their offerings on account of his cure of souls and ministration of sacraments. The Parish priest and his parishioners are mutually bound one to the other, as regards administration and reception of sacraments. He is bound to minister the sacraments to them; and there are certain sacraments which they are bound to receive from him. In this reciprocal necessity consists their *parochiality*. Hence a Parish priest has right by law to assist the dying, not on

account of material place, or dwelling, or accident of death, but by reason of spiritual office, and because it was his to minister to his parishioner during his life. His office and jurisdiction attaches to the person of his parishioner. Hence he has every right to his parishioner wherever he may be; and he has no right within his parish to the parishioner of another.

There is the greatest difference between the right of a simple Parish priest and the right of the Bishop of the Diocese. The right of the Parish priest is strictly territorial, and as concerns his parish. The right of the Bishop is jurisdictional, and as regards the whole of his Diocese. The Bishop is, as it were, the Parish priest of Parish priests; and, as superior and judge, has power to determine when the opposition of a Parish priest is unreasonable or indiscreet.

To the Bishop the right belongs of ordering, directing, and regulating public processions; and the jurisdiction of Parish priests does not avail in this matter to limit the power of the Bishop which obtains throughout the whole Diocese.

The Parish priest in his parish, and the Bishop in his Diocese, have, both by law and of the nature of the case, power and precedence over all other Parish priests and Bishops. Hence as no Bishop, under pretext of any privilege whatsoever, can perform Pontifical functions in another

Diocese without the express leave of the Ordinary of the place, so also no priest can without the leave of the Parish priest perform any solemn or public function.

In questions between Parish priests, the dignity and antiquity of the Parochial Church is to be looked to rather than that of the Parish priest. All dignity and prerogative is derived to the Parish priest from the Parochial Church which he represents, and to which he is united in a spiritual wedlock.

The pastoral office in its entirety is in the Bishop by divine law, while a portion of it is in the Parish priest by ecclesiastical common law. By his assumption of the parochial office the Parish priest becomes the proper pastor of the flock entrusted to him; but both he and that flock are subject to the immediate watchful care and pastoral solicitude of the Bishop, as Pastor of a higher order.

There is a great difference between Parish priests and Missionary priests who, by mission or delegation of the Holy See or of Bishops in their Dioceses, are only preachers of the Word of God and dispensers of the mysteries of God. Hence the latter are not bound by Divine law, as are Bishops, or by ecclesiastical law, as are Parish priests, to say Mass for the people.

They are not *bound* even of charity; although it is *becoming* that of charity they should say Mass for those to whom they minister. The obligations of missionaries are derived, not from office laid down by common law, but from office imposed on them by him who sent them.

The Mass for the people is a burden which is local and personal; and it is to be said by the Parish priest himself, unless in case of true necessity, or for a canonical reason, such as a Canon having to say the Conventual Mass which has to be applied for benefactors in general, and not to satisfy some particular obligation. The Conventual Mass is a principal burden of his prebend, to which the parish is an accessory.

There are certain parochial functions which may be committed to others to fulfil; but here there has to be kept in view, not only the effect of the sacrifice, but also the function of a mediator, and this cannot be fulfilled by means of others.

The right of burying belongs to the Parish priest by reason of his church, which, as a Parochial Church, has its own proper territory, people, and cemetery.

Non-parochial churches in general, and in particular those of monks and regulars who

have not by law a people, and have a cemetery only for themselves, can bury only the members of their own communities. Their right to bury other persons, who have chosen to be buried in their churches, they derive not from common law, but from privilege of the Apostolic See. In this privilege there is usually a clause to preserve the right to the Parochial Church of the canonical portion to which it would be entitled along with the right to bury, which apart from this privilege would belong to it.[8]

Funeral emoluments are reckoned among parochial rights, and belong to the Parish priest, not by reason of his labour in burying, but in recompense of his office in cure of souls and ministration of sacraments. It is becoming that the priests who by preaching instruct the people, celebrate the Divine offices, and minister the sacraments day and night, and pour forth prayers for the people, should among other necessary provisions for their fitting and becoming support, have this also of funeral emoluments. It would be hard if those persons who are forgetful of the Parochial Church, from which they as spiritual children have received the food of eternal life, were thus to disinherit their mother church, and defraud her in favour of another church which buries them. Hence of all the funeral emoluments and offerings made to this

latter church a fourth part is to be subtracted for the Parish church. The faithful are free to select both the church of their funeral and the church of their burial, but subject to paying the fourth of the emoluments as due to the Parish priest. By the institution of public cemeteries the rights of Parish priests are not prejudiced. They come in place of the parochial cemetery, so as to represent all and each of the parochial cemeteries. Hence Parish priests accompanying the deceased are in a public cemetery in a place of their own proper jurisdiction; and can there exercise all the acts of jurisdiction which they would have exercised towards the deceased in their own parochial cemetery, and with the same rights.

A Parish priest has right to accompany the body of his parishioner with funeral pomp to the grave. This right is so firmly established as to carry with it the right of passage in procession with stole and cross through other Parishes and Dioceses.

Although a public cemetery is common, and thus disjoined and separated from parishes, it is nevertheless expedient that there should be a chaplain as the guardian of it, as of a sacred place. It is also becoming that in every Christian cemetery there should be a temple; and for this, if not otherwise endowed, there should

be some small tax. Even Parish priests ought to remit somewhat of their emoluments in remuneration of guardianship of the cemetery and its temple; although not in respect of the burial, since the chaplain is only the keeper of the temple which is in place of the Parish church; nor in respect of the funeral which belongs of right to the Parish priest. (*Acta Sanctæ Sedis.* vol. v., p. 209.)

In 1882 Leo XIII. at the request of the Sacred Congregation of the Council, declared and decreed by Apostolic Letters that all Bishops of whatever dignity, and even if Cardinals, and all Abbots with quasi-episcopal jurisdiction over clergy and people in a separated territory, should without excuse or exception on all Sundays and other feast days, whether now of precept, or formerly of precept, but now suppressed, say mass and apply the mass for the people committed to them. This obligation they will satisfy by the celebration and application of one mass, even if they bear rule over two or more united Dioceses or Abbacies. The Pontiff mentions his knowledge of the fact that the Roman Congregations have decreed otherwise with regard to Parish priests who have two or more united Parochial churches, in each of which they must say mass on feast days, and apply it for the

people, but he declares that the cases of Parish priests and of Bishops are not in this matter the same. To every Parish priest a special and definite charge of the people in a parish has been entrusted; and so he ought not only to celebrate for his people, but also to admit them to the Parish church so that they may be present at his mass and hear the word of God. It is otherwise in the case of Bishops who at the present day are not bound by any law to say mass on all feasts in the Cathedral.

This decree does not apply to Titular Bishops who have neither clergy nor people, and so have neither exercise of Episcopal power nor the duties and burdens of Episcopal charge; although, looking to meetness and charity, it is very fitting, as was declared by Pius VI. in 1778, that even those Bishops should sometimes offer sacrifice with the intention that God may have regard to the now miserable condition of those once flourishing Churches of which they are Titulars.

Clement XIII. in 1758 had said simply that Bishops ought frequently to say mass for the people, and the Roman Congregations had not determined how often this should be, so that the custom varied with various places. Hence several Bishops petitioned the Apostolic See to settle the question, and the Congregation of the Council—which, while enjoining Bishops

to enforce the obligation of Parish priests, had said nothing about the obligation of the Bishops themselves—referred it to the Pope.

The Pontiff deduces this Episcopal duty in general as in accordance with the Sacred Scriptures, and with the practice of the early ages of the past. The Apostles themselves laid aside external ministries that they might give themselves continually to prayer and to the ministry of the Word. St. Paul wrote to the Colossians, 'We cease not to pray for you, and to beg that you 'may be filled with the knowledge of His will in 'all wisdom and spiritual understanding.' He wrote also to the Philippians, 'I give thanks to 'my God in every remembrance of you, always in 'all my prayers making supplication for you all 'with joy.' There is no doubt that here he is referring to the sacrifice of the Eucharist, which is the highest kind of prayer, and that for which chiefly Christian priests are constituted, as he himself testifies in his Epistle to the Hebrews—'Every priest taken from among men is ordained 'for men in the things that appertain to God, 'that he may offer gifts and sacrifices for sin.'

To Bishops this pastoral duty immediately and principally belongs; because in them there is the perfection and plenitude of pastoral care, of which a portion only is exercised by parish priests. (*Acta Sanctæ Sedis*, 1881, vol. xiv., p. 529.)

9.

It is of ecclesiastical institution that especially in a Cathedral church, which is the Mother church of all other churches of the Diocese, there should be several distinct grades of persons, so that those persons who come nearest to the Bishop should most participate with him in honour, in jurisdiction, and in administration. The clerics who serve a Cathedral church ought to have fitting support supplied to them, either from special prebends, or from assigned portions of the fruits of the goods of the Church. To these prebends or portions in Cathedral churches there have been attached certain characteristic grades of dignity, or of administration, or of jurisdiction. These are known as Dignities—Personates—and Offices.

A Dignity is a benefice which has annexed to it some jurisdiction, and some pre-eminence of honour.

A Personate is a benefice to which there is annexed only a prerogative of honour; in virtue of which the person obtains precedence and honour amongst other clerics.

An Office is a benefice which has annexed to it some administration, without the prerogative of honour, and without jurisdiction.[9]

Archdeaconry was at one time a true Dignity in the church; since the Archdeacon had jurisdiction in the church, and was by birthright the Bishop's vicar. He had, moreover, administration, especially as regards both the external government of clerics, and the temporal goods of the church. Before the time when the common funds were distributed into individual prebends, and while the goods of the Diocesan patrimony were in common, the Archdeacon was set over the administration of this patrimony. He had also a pre-eminence of honour.[10] Although the Archpriest held the first place among the other clerics of the Diocese, yet the Archdeacon had a pre-eminence even over the Archpriest. As the Bishop's vicar-general by birthright and in perpetuity, and as the 'Bishop's eye,' as he was styled in the Sacred Canons, the Archdeacon had his own tribunal, with perpetual jurisdiction, which was that of an Ordinary. Hence there could be an appeal from the Archdeacon to the Bishop, as to a different court. Thus the Archdeacon of those days differed in two ways from the Bishop's vicar-general of to-day. A vicar-general is not perpetual, and his tenure of office is wholly dependent on the will of the Bishop who deputes him. Again, the vicar-general's tribunal is identical with the Bishop's tribunal, and so there cannot be appeal to the Bishop from

a sentence of the Vicar-General. The Archdeacon, however, could only investigate and give decree in lesser causes, graver causes being reserved to the tribunal of the Bishop. He had no power, without leave of the Bishop, to depose clerics, or to unite or divide churches, nor had he power to investigate and decide matrimonial causes, or criminal causes against clerics. He had no power in virtue of common law to give sentence of suspension, interdict, or excommunication, or to exercise jurisdiction even over those monasteries which were not exempt from the Bishop's jurisdiction. These things he could do only by authority of the Bishop, or in virtue of custom prevailing through lawful prescription. The Archdeacon's care and diligence was with the life and conversation of the clergy, and their education or literary instruction, so that, when asked by the Bishop, he should be able of his own knowledge to give answer with regard to the fitness of persons for promotion to sacred orders. This office was reserved to the Bishop, with the aid of some wise and holy priests, by the Council of Trent; so that the question put to the Archdeacon in ordinations is now-a-days no more than a part of ecclesiastical liturgy. When the Bishop was hindered, the Archdeacon was the person destined by law to make visitation of the whole of the Diocese every three years. He

could also every year visit the churches of his own Archdeaconry. Since the Council of Trent he can do that only where a custom to this effect obtains, and with consent of the Bishop, to whom also he must give account within a month. Further, it was the Archdeacon who, with leave of the Bishop, put new Canons and Beneficiaries in corporal possession of their benefices. Finally, it was the Archdeacon who ministered to the Bishop in solemn functions. He read the Gospel, and had the first place after the Bishop in the church.

The dignity of those Archdeacons, and the great power in their hands which was theirs by law, became a source of difficulty and conflict, until at length the fourth Lateran Council gave faculty to Bishops to select a Vicar-General distinct from the Archdeacon. In process of time and gradually the Archdeacons lost also other rights, until at last the offices and rights of Archdeaconry came to be governed rather by local custom than by common law. Hence it is that through almost universal custom Archdeaconship is no longer strictly a Dignity, but only a Personate.

10.

The Archpriest, who has also the name of Dean, is the first among priests, and governs

them in things pertaining to their sacerdotal office, and has himself a special office of administration in sacred ministry. Archpriests and Archdeacons differed in this that, while the Archdeacon was the Bishop's vicar in external government, in the judicial court, and in temporal affairs, the Archpriest represented the Bishop in spiritual matters, in the tribunal of penance or court of conscience, in the administration of sacraments, in the celebration of divine offices, and in paternal corrections.

Certain Archpriests are called Urban or City Archpriests, and others Rural Archpriests or Deans.[11] An Urban Archpriest presides over the canonical hours and the celebration of divine offices in the Cathedral church. In these offices he supplies the place of the Bishop, especially in solemn celebrations of the holy sacrifice; and he has cure of souls over the other priests. A Rural Dean or Archpriest has pastoral and spiritual care of the townsmen of his Rural Deanery, and looks after the morals of the other clerics, and of the parish priests in benefices of lesser title. These matters, however, he must refer to the Bishop, and he cannot inflict censures without delegation from the Bishop. Through the prevailing force of general custom Archpriesthood has been reduced to the level of a Personate in the eye of the law at the present day.

The Vicar-General of a Bishop is a cleric who, by mandate or deputation of the Bishop, exercises jurisdiction throughout the whole of the Diocese. The Bishop appoints him by his own authority, and by the same authority he may remove him. In neither case does the Bishop need the consent of the Chapter. Faculty to appoint a Vicar-General was first granted to Bishops by the fourth Lateran Council. It was necessary that there should intervene some disposition of common law in the institution of a new office with general jurisdiction to take the place of the Archdeacon, and to possess rights which were enjoyed by the Archdeacons in virtue of a disposition of law.[12]

Absolutely speaking, a Bishop is not bound by any express law to appoint a Vicar-General. Looking, however, to the distractions of his various occupations and the many duties of sacred ministry incumbent on him, it may be said that as a general rule a Bishop is bound to have a Vicar-General. Without a Vicar-General the administration of the Diocese will not be satisfactory; and, in case of negligence, it may have to be supplied for by his superior. Either the immediate superior of a negligent Bishop, or the Roman Pontiff may impose on him a Vicar-General. If a Bishop does not take heed to the admonitions of the Sacred Congregation

of Bishops and Regulars, a Vicar may be designated for him, who is styled a Vicar Apostolic. This Vicar the Bishop has no power to remove. He acts with authority committed to him by the Holy See.

The jurisdiction of a Vicar-General is of a kind which is special to itself, and partakes of the character of both ordinary jurisdiction and delegated jurisdiction. It is *ordinary* jurisdiction inasmuch as it is attached to an office, as was the jurisdiction of the Archdeacon for which it was substituted. Inasmuch, however, as it is not attached to a benefice, or to a perpetual title, but to an office from which the Vicar may be removed at the will of the Bishop, he has not a title of his own to his ministry, but represents the episcopal ministry of the Bishop. In this his jurisdiction has the character of a *delegated* power, which proceeds from the commission of another, and is founded in the title of another's power. Hence, as the power is one, there is no appeal from the Vicar-General to the Bishop. The power of the Vicar also ceases when the power of the Bishop ceases. The title and magisterial power is one, and it resides with the Bishop; but the ministry or execution of this power resides with the Bishop and with his Vicar-General. Hence if the Roman Pontiff or any of the Sacred Congregations

were to commit the execution of a Rescript to 'the Bishop,' then the Bishop alone would have power to execute the Rescript. If, on the other hand, the Rescript were directed to 'the 'Ordinary of the place,' it could be executed either by the Bishop or by the Vicar-General, because in exercise of jurisdiction the Vicar represents the power of the Ordinary in the Diocese.

A Vicar who is appointed for some part only of the Diocese is not styled a Vicar-General, even if he has a general mandate with regard to that part. A Vicar-General is so-called who is assumed to a share of the episcopal solicitude for the whole Diocese.

The Vicar-General must be a cleric, that is, he must at least be tonsured. The clerical state is sufficient to render one capable of ecclesiastical jurisdiction. Hence a Bishop cannot appoint a layman, who is incapable of ecclesiastical jurisdiction, to be his Vicar-General; although he can commit to him the function of Assessor or Consultor at his tribunal, and refer to him questions of law, but not so as to pronounce sentence, especially on clerics, or in ecclesiastical causes.

The Vicar-General must have completed twenty-four years of age at least, and he ought, if possible, to be either a Doctor or a Licentiate in Canon Law. Regulars are excluded from

this office, and so are Canons with cure of souls, and Parish priests, since these have already an office which demands their assiduous attention and labour. It is held expedient that a stranger to the Diocese should be appointed, to avoid all bias, but there is no express law to cover all cases; and the Archdeacon of old times, for whom the Vicar-General has been substituted, was certainly a member, not merely of the Diocesan clergy, but of the Cathedral clergy.

The general mandate of a Bishop's Vicar-General embraces exercise of power of jurisdiction, but not exercise of power of episcopal order. Hence, even if the Vicar is himself a Bishop, he has no power, in virtue of his general mandate, to consecrate chrism, or to ordain, or to perform pontifical functions. Since the Vicar forms one auditory or tribunal with the Bishop, he can transact all affairs which the Bishop can transact; unless they have been expressly excepted by law, or are of so grave a character that it cannot be presumed that the Bishop should will them to be transacted without his knowledge and judgment. The Bishop can reserve to himself certain matters, which otherwise the Vicar would have power to transact in virtue of his general mandate. This has, however, to be done with moderation, lest the Vicar's power which proceeds *from law*, should be rendered

vain or illusory. Any *special* mandate also should not be conceived in terms which are such as to destroy the general mandate. Any limitation of faculties ought so to be made that there should always remain general faculty to administer the Diocese. Were it otherwise the nature of the office would be changed, and he who ought to be recognised as *Vicar by law* would be rendered simply a personal delegate of the Bishop.

Since the Vicar-General has the same jurisdiction and the same tribunal as the Bishop, his power ceases *ipso facto* with that of the Bishop, and without need of any judicial declaration of its cessation. Hence, on the death of the Bishop, or his renunciation accepted by his superior, or his translation and civil death, the jurisdiction of the Vicar is ended. Similarly, if the jurisdiction of the Bishop is suspended, the jurisdiction of his Vicar-General is also suspended. Since the Vicar's jurisdiction is not attached to any perpetual title, and does not carry with it canonical institution, but proceeds from the nomination and mandate of the Bishop, it ceases by revocation of that mandate, when intimated to him. A Vicar-General has power to renounce his office, and it is not necessary that his renunciation should have been accepted by the Bishop.

NOTE 1, p. 36.—It is generally assumed as a principle that the ecclesiastical divisions of the Roman empire corresponded with, and grew out of the political divisions. The bishoprics, it is said, coincided with the States (*civitates*), the Metropolitan Sees with the Eparchates, and the Patriarchal provinces with the provinces called *diœceses*. But this cannot be the whole account of the matter. As Mommsen has pointed out (*Abhandlungen der Berliner Akademie*, 1862, p, 496), the Patriarchate of Alexandria was recognised at a time when Egypt was not itself a *diœcesis*, but only formed part of the *diœcesis* of the East. It seems probable then that we must look not for a political, but for an ecclesiastical reason for its selection to any supremacy of honour. Such a reason is very plausibly supplied by the fact that Alexandria was the See of St. Mark, to whom tradition assigned a special prerogative as the immediate disciple and nominee of the Prince of the Apostles.

NOTE 2, p. 38.—See Hefele *History of the Councils*, Eng. trans., vol. III., pp. 411, seq. and 431 seq., St. Leo (Ep. 104, n. 3), says very emphatically 'There is a difference between the secular and ecclesiastical order (*alia 'tamen ratio est rerum sacularium, alia divinarum*), and it is the *apostolical 'origin* of a church, its being founded by an *apostle*, which gives it a 'right to higher hierarchical rank.' The bishops of Constantinople allowed St. Leo's protest in word, although they resisted it in act. Both the Emperor Marcian and the Bishop Anatolius. expressly declared that this Canon establishing the supremacy of Constantinople, required, in order to its validity, the approbation of the Apostolic See, Hefele, Ibid, pp. 431 and 447. Such approbation, as stated in the text, was persistently withheld.

NOTE 3, p. 44.—It seems to be very doubtful how far the cross with two bars, the so-called patriarchal cross, has been authoritatively recognised in the West for practical use, to be borne before patriarchs and primates. Heraldically the custom has come to prevail of assigning a cross with three bars to the Pope, and a cross with two bars to Patriarchs, Primates, and even to Titular Archbishops; but in the ceremonies in which the Pope takes part, the cross actually used by him has only a single bar like that of any ordinary Metropolitan. Indeed, when a cross with three transomes was made in 1844 to be used by Gregory XVI. on a particular occasion, it was decided that no precedent warranted the use of such an insigne. On the other hand, there seems no doubt that other Patriarchs not only in the East, but in the West, *e.g.*, at Lisbon, have a cross carried before them with two bars.—Cf. Barbier de Montault, *Œuvres*, Vol. IV.

NOTE 4, p. 44.—Primates seem never in virtue of that office to have exercised powers of any great practical moment. 'The Primacy,' says Luchaire (*Institutions Francaises*, p. 26), 'does not constitute a function, it is only 'a title, a distinction of honour.' It was consequently a fertile source of contention between rival prelates, and there was a constant tendency to multiply Primatial Sees, and to claim this dignity for every separate Province. In France, the Archbishops of

Lyons, Bourges, Reims, Rouen, Sens, Vienne, Arles, Bordeaux, and Narbonne, all styled themselves Primates and never ceased striving for precedence. In England, the resistance offered by York to the Primatial claims of Canterbury was a constant source of disturbance to the harmony of the Church.

NOTE 5, p. 47.—In the Middle Ages an Archbishop seems to have held such visitations of his Province pretty much at will, making it his first object to enquire into the conduct of his Suffragans, but claiming the right to visit independently of any negligence or misconduct on their part. See for instance the *Journal* of Eude Rigaud, Archbishop of Rouen.

NOTE 6, p. 48.—The most striking difference between mediæval and modern times in the relations between Archbishops and their Suffragans, lies in the oath of homage, which was formerly taken by every Bishop to his Metropolitan. This oath promised obedience, often in very ample terms, and if it was not taken at the time of the Bishop's consecration, which nominally and of right was performed by the Archbishop in his own Cathedral, it was exacted at the earliest possible opportunity, the oath being, moreover, written on parchment, signed with the newly consecrated Bishop's own hand or seal, and delivered up to be preserved in the Archiepiscopal archives. The originals of some such documents and copies of many more are still preserved at Canterbury in the library of the Dean and Chapter.

In Anglo-Saxon times the professions of obedience made to the Metropolitan by Suffragan Bishops were often very elaborate. Several specimens will be found in Haddan and Stubbs *Councils*, vol. III. In later times a much shorter formula was commonly employed. 'I, the 'elect, and about to be consecrated Bishop of the Church of N. by thee, 'the Reverend Father N., Archbishop of the Holy Church of Canter-'bury, and Primate of all England, do profess and promise to render 'in all things, to thee, and to the Holy Church of Canterbury, and to 'thy successors canonically appointed, due and canonical obedience 'and submission, and this I confirm, by subscribing with my own 'hand, †.' This oath does not seem to have been of obligation in all parts of Christendom. In its close analogy with the feudal oath of homage, it was sometimes called the *hominium*.

NOTE 7, p. 54.—It is to be noted that before the Pallium is delivered to the Archbishop, he has to take an oath of fealty and obedience to the Sovereign Pontiff. This oath as now prescribed by the *Pontificale Romanum* is couched in very ample terms. In the Middle Ages, the form of oath to be taken was drawn up for each occasion in Apostolic Letters, which were issued at the same time that the Pallium was conceded. Several such forms will be found in Wilkins' *Concilia*. When we remember how strongly feudal ideas pervaded all mediæval practice, it becomes very intelligible that all the more important archiepiscopal acts done before the reception of the Pallium, and consequently before the taking of this oath, should be smitten with invalidity.

If the Archbishop of Canterbury received an oath of homage and

obedience from his Suffragans, it was rigorously exacted that he himself should take an oath of obedience to the Pope, which was much more explicit and detailed. The tendering of the oath and the bestowal of the Pallium were regarded, in fact, as a kind of investiture.

NOTE 8, p. 71.—The truth of this is seen very clearly in the case of the dues called Mortuaries (Mortuaria), as they existed in mediæval England. For every parishioner who died possessed of more than two beasts of any description, the rector of the parish was empowered to claim the second best beast as a mortuary. It was fitting, so it was declared in the constitution of Archbishop Robert Winchelsea, determining the nature of this due, that such an offering should be made on behalf of the deceased 'to the church from which *he had received* '*the Sacraments* while living.' The payment to the parish church of a fourth part of the burial fees was known to Lyndwood as a local custom, but does not seem to have been of universal obligation in his time. See the *Provinciale*, Tit. *De Testamentis*, cap. *Constitutum*, s.v. *Consuetum*.

NOTE 9, p. 76.—This technical distinction between a *dignitas* and a *personatus* was a moot point among mediæval canonists, and was always somewhat obscure. The English Canonist Lyndwood discusses it more than once in his gloss on the *Provinciale*, and he points out that in the popular speech of Englishmen the *persona* or parson was simply the rector of the parish. In France the term *persona* seems to have been more particularly applied to those who held a benefice and received its fruits, but who did not discharge in their own persons the duties of the cure. The conception of a 'personate' as defined above, appears to be independent of any such popular understanding of the term *persona*. Even in England before the Reformation we learn that among the Canons, both of Sarum and of Lincoln, there were four principal personates, viz., the office of Dean, Precentor, Treasurer, and Chancellor.

NOTE 10, p. 77—.The precise nature of 'archi-diaconal functions' was no doubt more clearly defined in the Middle Ages than it is in the Anglican Church of the present day, but these powers were even then the subject of keen debate amongst Canonists. It was disputed for instance, whether an Archdeacon had a right to visit the Churches of his Archdeaconry by common law. Lyndwood seems to hold that an Archdeacon by common law only had a right to visit as the Bishop's deputy (tanquam vicarius episcopi), although in matters of no great moment he might correct abuses in his own name (*Provinciale*, Tit. *De officio Archidiaconi*, cap. *Ut Archidiaconi*, s.v, *Visitatione*). His most important duty consisted in seeing that the churches under his jurisdiction were properly kept and administered, and lacked nothing requisite for the becoming celebration of the Holy Sacrifice of the Mass, the reservation of the Blessed Sacrament, the recitation of the Divine Office, etc.

A large part of the very considerable powers exercised in practice by the Archdeacons in the 12th and 13th centuries were due not to any formal concession or legal right, but rather to the usurpations of the

Archdeacons themselves, The influence of feudal ideas favoured the creation of an authority intermediate between the Parish priest and the Bishop of the Diocese. But the Bishops who found themselves so much the losers as the Archdeacons arrogated more and more to themselves, opposed a firm resistance to the movement. By the institution of *officiales* and especially of vicars general, whose powers were revocable and entirely dependent on the Bishop, the Archdeacons by the end of the 13th century had been reduced to comparative insignificance. An admirable summary of this question may be found in Luchaire, *Manuel des Institutions Françaises*, pp. 14—16.

Note 11, p. 80.—As the dean of the Chapter, or 'urban dean,' presided over the city clergy, the *presbyterium*, so the 'rural dean' (*decanus ruralis* or *archipresbyter ruralis*) presided over a certain group of clergy in the country district committed to his charge. The urban dean by the nature of his office was a personage of some importance, the rural deans were comparatively uninfluential. For the greater part of the middle ages the terms *archpriest* and *dean* seem to have been almost synonymous, the one name being more commonly used in one country, the other in another. But we sometimes find both used together, and the Diocese of Poitiers for instance was divided into three archdeaconries which were again subdivided into 22 'archipresbyterates' and 8 'deaneries,' It is noteworthy that while in the constitutions of English synods the term dean is almost always used for these functionaries, none the less Lyndwood in the heading which he prefixes to his selection of these decrees speaks of them as archpriests.

Note 12, p. 81.—It is not to be inferred from this and similar phrases that each Diocese possessed only one Archdeacon. The huge Diocese of Lincoln for instance, as it existed before the Reformation, counted as many as eight Archdeaconries.

CHAPTER III.

The Senate of the Pope.

The Cardinals of the Holy Roman Church are the coadjutors or assistants, and intimate counsellors of the Roman Pontiff[1]. They constitute his Senate.

In accordance with a general rule in the primitive constitution of Churches, every Bishop had his Presbytery. The Presbytery of the Bishop of Rome was composed of the priests and deacons of the Roman Church. The form of this Presbytery, however, underwent some change in early times. Five-and-twenty, and afterwards a larger number, of the principal churches in Rome were erected into titles. To these fixed priests were assigned, and they were called the Titulars. About 240, Pope Fabian divided the City into seven Regions[2], and over each of these he placed a Regionary Deacon. Those deacons were to watch over pious Institutes, and the Oratories attached to them, and to have care of the poor

and of the sick. When priests and deacons were thus entitled, and incardinated or enhinged on a church or oratory, they were, from the word *cardo*, a hinge, called cardinals.[3]

After the ninth century, certain Bishops of neighbouring cities were annexed to the Roman Church, and they also were called Cardinals. In a Roman Council held by John XV. in 993, we find the subscriptions of Bishops, Priests and Deacons of the Roman Church. The Cardinal Bishops were styled Collaterals of the Roman Pontiff; and so were also the Cardinal Bishops of the Church of the Lateran in Rome, who in that Church had each his week of Pontifical functions in place of the Pope.

The office of the Cardinal Bishops was enlarged in the Roman Council under Nicholas II. in 1059, when there was granted to them the principal part in the election of the Roman Pontiff. This was done to hinder an abuse of the German Emperors who were arrogating to themselves the right of choosing the Roman Pontiff.

At first there were eight Cardinal Bishops, the Bishops of Ostia, Velletri, Sylva Candida or Santa Rufina, Porto, Sabina, Palestrina, Tusculum and Albano. The Bishoprics of Ostia and Velletri were united by Eugenius III.

so as to form one Cardinalitial Title; but with two separate Bishoprics, each having its own separate administration. The Bishopric of Porto was united with the Bishopric of Santa Rufina by Callixtus II., but in a different way. The union of Dioceses may be either perfect or imperfect. Sometimes there is one administration and one chancery only, but two Cathedrals and Palaces, in which the Bishop is bound to reside alternately. Several Dioceses in Italy are united under the same Titular with a double administration, as in the case of Ostia and Velletri. In other cases the union is so complete that there is only one Cathedral, and nothing remains of separation except the title and feast of the Titular as a double of the first class, as in the case of the Bishopric of Porto and Santa Rufina.

There remained and still remain six Sees to which the Cardinalate is attached. They are called the Suburbicarian Sees.

The Bishop of Ostia has by ancient arrangement and constant custom the right of consecrating the Bishop of Rome, if at the date of his election he is not already a Bishop. On this occasion the Bishop of Ostia wears the Pallium, in spite of its being in Rome itself that he is officiating.

At one time the Cardinal Bishops had pre-

eminence over the other Cardinals in dignity and authority. In process of time, however, the Cardinal Priests and Cardinal Deacons became equal with the Cardinal Bishops, and all of them together formed one College. This was confirmed when Alexander III. in the third Lateran Council established the law that the Roman Pontiff was to be elected by all the Cardinals, and by the Cardinals alone, and that he was to be held as elected who had obtained two-thirds of the suffrages of the Cardinals.

The number of Cardinals has varied at different times. At the beginning of the twelfth century there were fifty-three. When the Popes were at Avignon the Cardinals did not exceed twenty in number. During the Schism, in the time of Urban VI. (1378), when each claimant had his own college, the number of Cardinals was greatly increased. The Council of Basle in 1438, would have had the number restricted to twenty-four. Leo X. on occasion of a conspiracy raised against him by one of the Cardinals, and suspecting the fidelity of others, created in one election thirty-one Cardinals. Finally, with change of circumstances, and chiefly on account of the institution of the Roman Congregations for the transaction of the affairs of the Universal Church, Sixtus V. in 1586, fixed

the number of the Cardinals at seventy, after the pattern of the seventy ancients whom God gave to Moses as his assistants and counsellors. Of these, six are Cardinal Bishops, fifty are Cardinal Priests, and fourteen are Cardinal Deacons.

2.

Cardinals of a lower order have a right of 'option' to ascend to a higher order. Cardinal Deacons can choose the vacant places of Cardinal Priests; but only after they have been Deacons for ten years, and if they have received the priesthood. They then have precedence over other Cardinal Priests of later creation, and as if they had been always Cardinal Priests.

The senior Cardinal Priest, present in the Roman Court when one of the Cardinal Bishoprics falls vacant, has the option of succeeding to it. There is an exception in the case of the Bishopric of Ostia and Velletri, and of the Bishopric of Porto and Santa Rufina; these Bishoprics being reserved for the Dean and for the Sub-Dean of the Sacred College.

The Cardinal Dean is the senior Cardinal, but his seniority is reckoned not from his promotion to the Cardinalate, but from his promotion to one of the Suburbicarian Bishoprics.

The 'option' both of Cardinal Deacons and of Cardinal Priests cannot be exercised without consent of the Pope, and it is completed by him in Consistory.

3.

The Cardinals are created by the Roman Pontiff himself, and with observance of solemnity. In the fourteenth century the creations used to take place in Consistory on the Wednesday in Ember week; and the new Cardinals were approved by the suffrages of the majority of the Cardinals then present. The only trace which remains of this is in the ceremonial still constantly observed of the Pope's asking in Consistory if it is expedient to create Cardinals, and if the election of those who are proposed is pleasing to the Cardinals. This, however, along with their assent, is mere matter of ceremony. The right to create Cardinals is undoubtedly the proper and exclusive right of the Roman Pontiff, and depends entirely on him. He preconizes Bishops, and he creates Cardinals. When the name of the new Cardinal is published in Consistory, he is held then and thereby to be created.

When the Pope resolves to create a Cardinal this is intimated to the future Cardinal by letter from the Secretariate of State. On the

day of the Consistory, the Pontifical Master of Ceremonies comes to his apartments, if he is not at Court, and announces to him his elevation to the purple, and the day on which the Pope will receive him, to give him the rochet and the red biretta. Thereafter he can wear all the insignia of a Cardinal, except the red hat. This is the principal sign of the Cardinalitial dignity, and is given later by the Pope in public Consistory. It signifies that the Cardinals are bound to defend religion, even to shedding of their blood. This ceremony is, however, simply declarative; since, from the day of the proclamation of the new Cardinal in secret Consistory, he has all real prerogatives. Even if there were a conclave before the red biretta had been given him, he would have his place in the conclave, with all its rights.

If the new Cardinal is not at Court, the red skull cap is sent to him on the day of the Consistory, if possible, by the hands of a member of the noble guard. Before the public Consistory, the new Cardinals meet in the Sistine Chapel to take the oath of fidelity to the Roman Pontiff before the three chief Cardinals. After the public Consistory, the Pope holds a secret or private Consistory, which he begins by 'closing the mouths' of the new Cardinals; that is to say, he forbids their conversing and

voting with the other Cardinals on matters to be transacted by the Sacred College, in its collegiate capacity. In another secret Consistory, the Pope 'opens the mouths' of the new Cardinals, by empowering them to speak 'in conferences and in counsel, and in the elec-'tion of the Supreme Pontiff, and in all acts, 'either in or outside the Consistory, which be-'long to Cardinals.' He hands to them the Cardinalitial ring, a sapphire massively mounted in gold, to bear the arms of the Pontiff, and assigns to each of them his title or church, and his place in certain of the Roman Congregations in which he is to sit as judge.

By 'opening their mouths,' he gives them full power to speak in the Congregations, and to state their opinions for the greater good of the Church. By usage a Cardinal does not speak the first time he appears in a Congregation, but listens without discussing, or giving his vote.

The delivery of the red hat, and the opening and closing of the mouth, as significant of the becoming modesty to be observed in Consistories and Congregations, are by way of ceremony; since, as we have seen, as soon as a Cardinal has been created, and has accepted the honour and given his consent, he has at once a voice and right to take part in the election of the Roman Pontiff. This was settled by St. Pius V. in 1571.

4.

After nominating Cardinals, the Pope sometimes says that there are others, mentioning the number of them, 'whom We reserve in Our 'breast, to be declared at Our will.' These are for this reason called Cardinals *in petto*.

This is the case when, although the person intended is worthy of the dignity, there are reasons of prudence to prevent the publication of his name; or if he is at present in occupation of an office, the continued holding of which requires or suggests delay. The effect of this creation *in petto* is that the publication in a later Consistory is held to have the date of the creation in the earlier Consistory; and the new Cardinal has his place in the Sacred College, and his seat, before other Cardinals who have been created and published in the interval. Publication in Consistory is, however, absolutely necessary in order that he should have the rights and privileges of the Cardinalate. Hence, if the Pope were to die before publication of the reserved Cardinal's name in Consistory, his creation would be nullified, and he would not be admitted to the conclave. The new Pontiff, moreover, even if he knew his name, would in no way be bound to ratify his creation, and to publish it in Consistory.

This is the usual course in practice, although the Roman Pontiff has undoubted right to depart from it, as did Pius IX., when in 1875 he created, and as he says for the glory of Almighty God, five Cardinals, whose names he for just causes reserved, to be divulged at his discretion and who, if the Holy See should in the interval be widowed, were to be declared by Letters attached to his Testament, and were to have right of both active and passive election, that is to say, of electing or of being elected his successor. This was, however, an extreme case, and so it seemed to Pius IX. himself, who afterwards in the same year published in Consistory the names of those Cardinals whom he had reserved *in petto*. The reason for the ordinary course is obvious in the questions which might arise with regard to the authenticity of a deceased Pope's Testament, and consequently as to the competence of the Cardinals in question to take part in the election of a Roman Pontiff.

Although the Cardinals are nominated by the Pope exclusively, he nevertheless follows a certain system in his choice. There are Cardinals who are created to assist the Roman Pontiff in his administration of the Universal Church, such as the Nuncios of the four Nunciatures of the first class, Madrid, Paris, Vienna and Lisbon. Then come the Secretaries of Congregations

and the Vice-Chamberlain, the Auditor of the Apostolic Chamber, the Treasurer, and the Major-domo. It is not, however, all the Secretaries of Congregations who have right to be made Cardinals. The Assessor of the Holy Office, the Secretary of the Congregation of the Council, the Secretary of the Congregation of Bishops and Regulars, and the Secretary of the Sacred College, who is also Secretary of the Conclave, alone have this privilege. It is not shared even by the Secretary of the Sacred Congregation of Rites, or by the Secretary of the Propaganda. Certain Cardinals are proposed to the Pontiff by Governments of which they are the subjects. There are also the occupants of the Great Sees of Italy.

The number of Cardinals created by a Pope depends on the length of his reign, and the number of vacancies which occur during it. Pius IX.' was the longest reign of any Pontiff, and he created a hundred and seventy-nine Cardinals.

Since the Cardinals form the Council of the Pope, they have to reside at Rome. This obligation is so strict that dispensation from residence in their Dioceses has to be got by the Suburbicarian Cardinal Bishops. Cardinals cannot leave Rome without permission of the Pope, even for the accustomed three months'

vacation. If a Cardinal is sick, he must give notice to the Prefect of Pontifical Ceremonies. If a Cardinal's absence is by reason of his delegation for some mission by the Holy See, he is reckoned as if present in the Roman Court.

Cardinals ought, as a rule, to be thirty years of age, as in the case of Bishops. All that is prescribed, however, is that they should be deacons at twenty-two years of age, if they have not received dispensation. Even simple clerics have not seldom been raised to the Cardinalate. Cardinal Pellegrini, Dean of the Clerics of the Apostolic Chamber, was only in minor orders when Pius IX., in the promotion before his death, created him Cardinal. A month afterwards he was ordained Priest.

5

From the times of St. Cyprian, the Roman Clergy had great weight in the Universal Church, and on the death of the Pope transacted its affairs, and sent letters to Bishops throughout the world. It is nevertheless a fact that in the most ancient times the Cardinals, who represent, and are the superior portion of the Roman Clergy, had not pre-eminence in dignity over Archbishops and Bishops. In the Roman Council under Benedict VIII. in 1015, several

Bishops subscribed the Acts of the Synod before the Cardinal Bishops, on account either of their being Archbishops, or of their seniority in the episcopate. By degrees, however, the dignity of the Cardinals insensibly increased. Among the causes of this increase was their exclusive right to elect the Roman Pontiff—the frequency of their missions as Legates of the Holy See, and the transaction by them of the affairs of countries and kingdoms, the Archbishops and Bishops of which were subject to them in virtue of their Apostolic mandate—and the custom which had prevailed that Cardinals alone should assist the Roman Pontiff with their counsels. In these ways chiefly the Cardinals attained to a degree of honour and pre-eminence in the Church than which there could be no higher, short of that of the Supreme Pontificate. Hence Eugenius IV. said in 1428 that, after the Head of the Church who is the Pope, the contiguous members of his body, who are his Brethren the Cardinals, ought to be had in honour above the rest of the members and parts of the Church; and that the dignity of the Cardinalate is greater and higher than is the dignity of the Episcopate, the Archiepiscopate and the Patriarchate. By a Consistorial Decree of Urban VIII. in 1630, Cardinals have the titles of *Eminence*, and *The Most Eminent*. Nor is all this contrary to right

and reason. Although Cardinal Deacons and Cardinal Priests, who are not at the same time Bishops, are inferior to Bishops as regards Sacred Order, they are nevertheless pre-eminent over Bishops in dignity, by reason of their office. Inasmuch as their place is at the side of the Supreme Pontiff, and they form the magistracy of the Universal Church, their office is higher than is the office of Bishops, whose power is confined within the limits of a certain territory. Dignity, moreover, is measured in the Church by the standard, not of Sacred Order, but of Jurisdiction. Hence, by the law of the Decretals, an Archdeacon who, although in Orders only a deacon, was by jurisdiction the Vicar of the Bishop, had pre-eminence over an Archpriest. Similarly, although a Bishop and an Archbishop are equals in Sacred Order and Episcopal character, yet by reason of jurisdiction the Archbishop is higher in dignity than is the Bishop. The reason is because power of Order exists for the sanctification of souls through sacraments and sacramentals, and thus has regard principally to the spiritual and invisible element in the Church; while power of jurisdiction exists for the ruling of the faithful, and so has regard principally to the body of the Church, that is to say, to its visible and external element. The reason for the existence of

honour and pre-eminence is to be found in the visible constitution of a public society in which there are various grades; and hence it follows that dignities in the Church depend on jurisdiction and office rather than on Sacred Order.

In accordance with the mind of the Council of Trent, the Cardinals are, as far as possible, chosen from the various Christian nations. All Christian nations have an interest in the election of the Supreme Pontiff; business is brought from all Christian nations for transaction by the Congregations of Cardinals; and it is of importance that there should be in the Sacred College, Cardinals who have intimate and immediate knowledge of the circumstances and needs of individual nations, and that every nation should have among the Cardinals its protector and defender.

6.

At one time the Titular Churches of the Cardinals were like independent Dioceses, in their government and administration. Every Cardinal had by law all the clergy and people in the Church of his Title subject to him, so that every such Church with its people constituted, as it were, a separate territory. Hence the Cardinals

had in their own Churches a quasi-episcopal jurisdiction in the ruling and administration of both spiritual and temporal matters, with power of correction and of censure. With this quasi-episcopal jurisdiction the honour due to Bishops was, of the nature of the case, combined. Cardinal Priests who were not Bishops had the use of Pontifical insignia in their Churches; and both to them and to Cardinal Deacons it was granted to bless the people with solemnity, and to grant to them an indulgence of a hundred days. No one, moreover, could without their leave perform Episcopal functions within their Churches.

These partial jurisdictions were found to lead to conflicts of jurisdiction, and the privileges of the Cardinals, so far as jurisdiction is concerned, were abrogated by Innocent XII. in 1692; and the old quasi-episcopal jurisdiction of the Cardinals over the clergy and people in their Titles passed to the Cardinal Vicar of the Bishop of Rome. There was reserved to the Cardinals power only over those concerned in the service of their Churches in choir; and even these are subject in their private conduct to the ordinances of the Vicariate. The Cardinals have still, however, the right of nomination to various charges connected with their Churches; and, so far as regards honorary pontifical rights,

and blessing after the manner of Bishops, the status of the Cardinals in their Churches remains unchanged. It was decided in 1880, by a special commission of Cardinal Bishops, and sanctioned by Leo XIII., that Cardinals can consecrate altars in their Titular Churches, either in person, if they are Bishops, or by means of Bishops of their choice, without permission of the Cardinal Vicar of the City.

On the petition of religious Institutes, Congregations, Arch-confraternities, and Pious places, the Pope selects a Cardinal as Protector. This does not confer jurisdiction, or give right to interfere in the affairs of the protected Institute or to decide disputes. The Cardinal Protector is the intermediary for favours from the Pope. He asks for them, and very often it is for him to execute them.

Cardinals have the *oraculum vivæ vocis*, in virtue of which a Cardinal is to be believed on his own word, without his being obliged to prove that the Pope has said this or that, or given such and such an order. When in an audience the Pope says to a Cardinal that he grants a favour, the Cardinal acquaints a competent Congregation, and this Sacred Congregation, on the signature of the Cardinal, issues an authentic certificate of the grace thus granted.

7.

In the Consistory, and in the Papal Chapel, the Cardinal Dean is at the right of the Pope, and the other Suburbicarian Cardinals and the Cardinal Priests follow the order of their seniority in the Sacred College. At the left of the Pope is the first Cardinal Deacon, and then the other Cardinal Deacons, so that the last Cardinal Deacon is beside the last Cardinal Priest.

In the Papal Chapel the Cardinals have no kneeling desks, and kneel, at the benches on which they sit, towards the wall and half turned towards the altar. In ceremonial functions the Cardinals wear a cassock with a train, of cloth in winter and of moire in summer. Their collars, stockings, and gold-buckled shoes are red. The girdle is of red moire with gold tassels, the rochet of lace, and the red mozetta of the same material as the cassock. They wear a gold ring with a sapphire, and a three-cornered hat of red felt with gold tassels. In Rome, on account of the presence of the Pope, they cover the rochet with a red mantelletta. In their own titular churches, and outside Rome, they wear the rochet uncovered. On arriving at the threshold of the Church, or the Chamber of the Consistory, a Cardinal puts off the mantelletta

and mozetta to put on a cope, and replaces the hat with a biretta. If he is making a solemn entry, and walking under a canopy in procession, he wears a pontifical hat of red cloth. A Cardinal's walking dress is a simmarra, or cassock without train, with tippet and false sleeves. It is always of black, with cording and buttons of scarlet. The girdle, stockings, and mantle are red, and the hat black with a twisted cord of red and gold. During Advent and Lent, and during a vacancy of the Holy See, the pontifical costume of Cardinals is violet, with the exception of the skull cap and biretta; but to distinguish them from Bishops the linings, cording, and buttons are scarlet instead of crimson. The ordinary walking dress of Cardinals is covered with a ferraiolone of violet moire, with collar and facings of red moire. In cold weather they often wear a cloth cloak of scarlet or violet with gold cording, the same in shape as that of the priests of Rome. The costume of Cardinals who are Regulars is of the colour of the habits of their respective Orders. Olivetans, Camaldulese, and Carthusians are in white, Silvestrines in blue, Benedictines, Augustinians, and Basilians in black, and Capuchins in chestnut colour. Those whose habits are of two colours preserve this variety; such as the Dominicans and the Cistercians. The skull cap,

biretta and hat are always scarlet. Cardinals who are religious, but not of any of the great Orders, have their costume of the same colour as that of the secular Cardinals, but of woollen instead of silk, except for the linings, cordings, and facings. Cardinals going to a public ceremony at the Vatican have right to a gala train of three carriages, or, if they are princes, of four carriages. They are preceded by four servants in livery embroidered with their arms, the first carrying the Cardinal's hat, the second his cushion, and the third his great umbrella of red silk. The Cardinal is accompanied by a secretary in black with a silk mantle, and by a trainbearer with a cassock of violet silk, with buttons of black velvet, a girdle of violet silk, and a crocia, or sort of overcoat, of violet woollen, with silk facings and wide sleeves which come scarcely below the elbow. This crocia has a tippet, part of which forms in front a long pocket for the Cardinal's breviary and the documents which he takes with him to the Consistory. If the Cardinal is in pontificals, the trainbearer puts on over all a cotta, and on his shoulders a vimpa, or long strip of white silk, to cover his hands, when he carries the mitre. The Cardinal has also a gentleman in a black costume of the time of Henry II. of France, with sword, and lace collar and cuffs, who holds the biretta. The

trainbearers of Cardinals are associated in a congregation or confraternity, which was founded by Paul III. in 1538.

A Cardinal has four different hats. One is of black felt, three-cornered, and tasselled with red and gold. This he wears with his walking dress. Another hat is red, and this he wears when, outside a church, he is in rochet and mozetta. The pontifical hat is worn when, outside a church, he is in cappa, and under a canopy. This is the hat which is placed on his coffin, and which is suspended over his tomb. There is a fourth hat which is used only in Corpus Christi processions. It is never put on the Cardinal's head, but a domestic of his suite carries it before him. It is of straw, of large size, covered with red silk, and bound with a ribbon of red and gold.

8.

Since Cardinals possess a jurisdiction which extends over the whole Church, they have right to the insignia of it, an uncovered rochet, a cappa, and a throne. When a Cardinal arrives in a Diocese, he takes by right the Bishop's throne; and the Bishop places himself, not on another throne, but in the first stall of the choir, and covers his rochet with a violet

mantelletta, as if he were outside the territory of his jurisdiction. If the Cardinal is to officiate, he can do so only at the throne. He has all the privileges of the Bishop of the Diocese, except that of the seventh or pastoral candle, which belongs exclusively to the Ordinary. In the Patriarchal Basilicas, however, the Cardinal officiates at a faldstool. Even if he is not a Bishop, a Cardinal priest wears a pectoral cross as soon as he is outside the territory of the old Pontifical States.

9.

A Cardinal, by reason of his dignity which is superior to that of princes, is in official relations with Catholic Courts, to which every year he sends his salutations, and these are returned. His title of Prince of the Church carries with it his dwelling in a palace. The original idea of a palace is that of an ancient fortress, completely insulated, or isolated from other dwellings, and with roadways on all sides of it. This cannot in these days be carried out, even in Rome; and it is sufficient that a Cardinal's dwelling should be commodious, with large rooms, and of the number necessary for his establishment. Under normal circumstances this will consist of what is called the noble antechamber, which includes the Auditor, who is charged with the duty of

studying the documents of Sacred Congregations, and of reporting on them to the Cardinal; the Secretary, who conducts the Cardinal's correspondence; the Master of the Chamber, whose office it is to introduce visitors, and to have charge of ceremonial; the Cardinal's Gentleman, who carries his biretta in ceremonies, and who represents him in certain visits of formality. The second antechamber consists of the trainbearer, the chaplain, and the master of the household, who has general charge of household matters, and has under him an assistant chamberlain or valet of the chamber. There is a dean over the other domestics, with a special livery; and it is his business to open the door of the palace and the carriage door for the Cardinal. The other domestics are in blue liveries, with armorial bearings. Many of these offices are now suppressed, or are fulfilled by the same person. Thus the auditor may be the secretary; and the trainbearer, the chaplain and master of the chamber; and the gentleman or secretary, the master of the household.

A Cardinal's residence will ordinarily contain the following apartments. At the entrance, is the antechamber of the domestics. Here there used to be always two gendarmes on orderly duty. At present it is only the Cardinal Secretary

of State who can have these. In this room, the door of which is kept always open, there is a kind of credence, like an altar, covered with red cloth and yellow lace. It is surmounted by two gradines, or shelves like steps, on which are placed the flapped hats of the domestics. Above it are the arms of the Cardinal under a canopy. The Roman Princes, and four patrician families who are called Marquises 'of the 'Baldacchino' have, like the Cardinals, this privilege. On the wall are suspended the two cushions of the Cardinal, one of red silk, and the other of violet silk, and his two umbrellas of the same colours in their cases. The cushions are for the Cardinal's adoration of the Blessed Sacrament. The umbrellas are for covering him when he is following the Holy Viaticum bareheaded, or when he is making his solemn entry into a Church.

The second chamber is for the Cardinal's Secretary. The third is called the noble antechamber. It is also called the chamber 'of the 'biretta,' because in it the red biretta of the Cardinal is placed on a console before a crucifix. Then comes the throne-room, which is all in red. Besides credences, there are in it armchairs in damask and gold. In the place of honour, under a red silk canopy laced and fringed with gold, is the portrait of the reigning Pope. On

the floor is an armchair which is reversed or turned to the wall. This is for the Pope if he should visit the Cardinal. When the Cardinal is dead, his coffin is placed for some hours on the floor beneath the canopy, and the picture of the Pope is turned with its face to the wall.

Then comes the reception room or rooms; and then the chapel, and private apartments of the Cardinal.

A Cardinal can go out only in a carriage and pair, except outside the walls, or where there is no population. When he walks a domestic follows him at some distance. When he returns in the evening, two domestics with wax torches light him from the foot of the staircase to his apartments.

These details of dress and housing may seem small matters to those who are not familiar with the details which govern the daily life in Courts; but from that which, in the interests of order, is found necessary in other Courts, the Court of Rome is not exempt.

10.

A Legate is one who is chosen, empowered, and sent to some personage, or to a particular country, to negotiate, or to administer spiritual affairs. He may be sent to personate the

Pontiff who sends him, or to represent the Apostolic See. As representing the Apostolic See, the jurisdiction of a Legate is ordinary or official jurisdiction; and when the Pontiff dies this jurisdiction continues.

Legates have sometimes been sent without any jurisdiction, as for instance, to a secular prince, to ask his aid, to transact some matter of business, or to carry a message and bring back his answer.

Among Legates who have true jurisdiction, some are Legates by birthright, and others only in virtue of their mission. Those are called born Legates, or Legates by birthright (*Legati nati*) who are in possession of an ecclesiastical dignity to which the jurisdiction or function of a Legate is attached by grant of the Pontiff, so that in attaining to that dignity they attain to this office. These Legates by birth were at one time called Vicars of the Roman Pontiff. We hear of them in the fourth and fifth centuries. They represented the Roman Pontiff, and their principal functions were to assemble Provincial Synods; and to see that the holding of the Synods was not being neglected by Metropolitans, to preside over them, to make visitation of Churches, to investigate the character and kind of persons who were proposed as Bishops, and to consecrate Metropolitans.

These Legates by birthright were at one time Judges of Appeal; and they could even be Judges of first instance in 'greater causes'; and from their sentences there was no appeal, except to the Apostolic See. By degrees, however, the authority of Legates by birthright came to be diminished through the practice of the Pontiffs in sending special Legates for the transaction of some particular business, or of a special class of causes. The authority of those special Legates was greater than that of the Legates by birthright. In the fourteenth century, the special Legates were so numerous that the power of the Legates by birthright gradually declined, until in the fifteenth century it may be said to have ceased, and all that remained were some honorary rights.

The ordinary or official jurisdiction of a Legate in spiritual and ecclesiastical matters is exercised in place of the Roman Pontiff. It is therefore superior to episcopal jurisdiction, and akin to supreme jurisdiction. There are certain 'greater causes,' however, which a Legate cannot transact in virtue of his general mandate, and without consulting the Pontiff; such as translation of Bishops, union of cathedral churches, and the like.

A Legate has power to enact perpetual

statutes in the country to which he is sent; that is to say, statutes which will, like laws, remain in force after his death, or after his legation has come to an end. These statutes must not, however, run counter to the canons and the general laws of the Church. Since the Council of Trent Legates cannot hear causes of first instance. These must be heard by the local Ordinary, from whom there is no recourse to a superior judge until after some definitive sentence, or unless there has been delay of sentence for two years from the opening of the cause.

The office of a Legate of the Holy See is, to borrow the words of Jeremias the Prophet, 'to 'root up and to pull down, to build and to plant.' Legates are like the old Roman pro-consuls or governors, to whom was committed the ruling of a province; and who were in consequence furnished with most ample powers, in order that by means of their efforts they might retain and confirm the province in the obedience of the Empire. It belongs to Legates, therefore, to have supreme oversight of ecclesiastical affairs, to secure observance of the Apostolic constitutions, to put down abuses, to correct all depravities and shortcomings in the matter of morals, to foster concord between princes and peoples, and the loyalty of both to the Sovereign Pontiff, and to relate to the Holy See whatsoever they

may think would contribute towards the welfare of the Church.

A Legate *a latere* is chosen from among the Cardinals. He is styled *a latere*, or from the side of the Pontiff, because the Cardinals ought to reside in the Roman Court beside the Roman Pontiff. They are called his collaterals and assessors, and they form part, and the superior part, of the Roman clergy, or clergy of the Diocese of Rome. When, therefore, they are sent elsewhere by the Roman Pontiff they are said to be separated for a time from his side. As soon as they go outside the City, where the Pontiff with his Court is residing, they can assume the insignia of their legation, and travel therewith all the way to the country to which they have been sent, and also all the way back, until they re-enter the gates of the City. They can have their legatine cross, and they can bless the faithful on the journey. They can also on their way exercise jurisdiction over persons who voluntarily submit themselves to it; even if those persons do not belong to the country to which the Legate is sent and are not his subjects. They have power to absolve from the excommunication which attaches to striking of clerics. They cannot, however, absolve from those censures which the Pope has so reserved

to himself that no one but he can absolve from them.

When a Legate *a latere* is present in any country, the authority of all lesser Legates is in abeyance. They cannot even use the insignia of Legates, unless they happen to have a special mandate for a particular case.

Among Legates who are less than Legates *a latere*, are those who are sent to carry the red biretta to newly elected Cardinals in foreign countries, and who are commonly called Ablegates.

There are also Legates who are sent to sovereigns with a stable legation, and in name of the Holy See, and who therefore retain their office and power, even on the death of the Pontiff. These are resident Legates. Those of them who reside at the greater Courts are called Nuncios ; while those who are sent to lesser Courts are called either Internuncios or Apostolic Delegates.

If a Cardinal should hold the office of a Nuncio, he is called the Pro-nuncio. This is in deference to the Cardinalitial dignity. Others who are not Cardinals have held the office, and it does not become a Cardinal to have a title which is common to others of lower rank. It is in the same way, and for the same reason,

that the Cardinals who hold the office of Apostolic Chancellor or Apostolic Datary, are styled the Vice-chancellor, and the Pro-datary.

As regards the Emperors, Kings, and Presidents to whom Nuncios and other resident Legates are sent, the office of a Legate is to promote peace and concord between these civil rulers and the Apostolic See, and to transact business which they may have with the Roman Pontiff. For this purpose they have their instructions, which they are bound to follow. They are also the intermediaries of the various governments with the Holy See, to which they convey answers and messages.

As regards the Bishops and faithful of the country, the Nuncios are judges, with faculties from the Apostolic See, of which they make use as Ordinaries. The nature of these faculties will appear from the terms of their mandates.

Even if the mandate of a Nuncio should contain a clause which gives him the powers of a Legate *a latere*, this does not constitute him a Legate *a latere*, or give him the rights and honours of these Legates. It only furnishes him with full powers for the business mentioned in his mandate.

The power of Legates comes to an end with the period of their legation, if it is temporary;

or if the mandate has been recalled, and the revocation of it sufficiently intimated to the Legate; or if he of his own accord leaves the country with the intention of not returning.

NOTE 1, p. 90.—For a fuller treatment of the cardinalitial dignity and especially of the history and procedure of conclaves, the reader may be referred to the various works of Mgr. Barbier de Montault, *Le Sacré Collége, Le Conclave et le Pape*, and the preface contributed by him to the second volume of the *Actes du Concile Écuménique du Vatican*, also to the volume, fully illustrated, published under the pseudonym of Lucius Lector, entitled *Le Conclave*. Cf. further the Kirchen-Lexikon.

The Abbé Duchesne claims to have shown that there is no foundation for identifying the districts of the cardinal deacons with the seven regions of Pope Fabian.

NOTE 2, p. 90.—It is hard to decide at what epoch the name cardinal came to be commonly restricted to the Roman clergy. There is much truth in the saying of the Benedictine editors of St. Gregory the Great regarding the word *Cardinal. Nomen vetus, nova est dignitas, purpura recentior*. The name seems to occur in the Latin version of the Acts of the Council of Nicæa, A.D. 325. It meets us frequently in the letters of St. Gregory the Great, but it is not there specially connected with the Holy See. On the contrary, he directs other Bishops to ordain Cardinal Priests and Cardinal Deacons for various places in Italy. In the middle ages we find mention of Cardinals in many Cathedral cities, *e.g.*, in St. Paul's, London, Aix-la-Chapelle, Milan, Cologne, Compostella, Orléans, &c. (For the Cardinals of St. Paul's, see *Archæologia*, vol. xliii, p. 169, where the charter of confirmation of the chapter customs is printed, belonging to the year 1394). Of Cardinal Bishops at Rome, we hear first in the year 769. In 1567 St. Pius V. reserved to the Holy See the right of possessing Cardinals.

NOTE 3, p. 91.—Since the occupation of Rome a certain amount of the ceremonial which formerly attended the creation of a Cardinal has been dispensed with. The *ricevimento* or formal reception, in particular, at which the new Cardinal held a *levée* to receive the congratulations of the prelates in Rome, the nobility, &c., and during which he wore a black skull cap which he took off to no one, is for the present in abeyance.

CHAPTER IV.

The Household of the Pope.

At the head of the Household of the Holy Father is, as his name implies, the Major-domo. His office has, of the nature of the case, existed at all times, but not so his present name. It is in 1410, during the reign of Alexander V. that we first find special mention of a Prefect of the Sacred Apostolic Palace, or Master of the Pontifical Household. From the time of Paul III. in 1534 we have a complete list of those who have held this office. When Charles the Constable of Bourbon sacked Rome in 1527, many documents belonging to the archives in the Vatican Palace were burned by the soldiers in the Sixtine Chapel, which was turned by them into a stable, where the fire and smoke did no little damage to the paintings of Michael Angelo. Hence it is that before that time we know but little of the Major-domo.

The Major-domo had civil and criminal jurisdiction over those who are employed in the

Apostolic Palaces. His office is now, however, separated from that of Prefect of the Apostolic Palaces, which is attached to the Secretariate of State. The Major-domo is the last of the four great prelates *di fiochetti*, so called because they have right to ornament the harness of their horses with violet or peacock coloured tassels. The hats which surmount their escutcheons, instead of having six tassels, like those of other prelates, have ten, and those of rose colour. The tassels which by their varying numbers denote different degrees in the ecclesiastical hierarchy are of comparatively modern origin. In the last century even Cardinals had only six tassels of red, arranged in three rows; Archbishops and Bishops had the same number, of green; Abbots and Protonotaries had only three of black hanging from a hat of the same colour.

The four prelates *di fiochetti* are, first, the Governor of Rome in his quality of Vice-Chamberlain, and after him the Auditor and the Treasurer of the Apostolic Chamber, and then comes the Major-domo.

In public ceremonies the Major-domo goes before the Patriarchs and the Bishops, as being more specially attached to the person of the Pope. It is for this reason that he assumes in his coat of arms the arms of the Pope who promoted him; and these he retains even if he

should be made a Cardinal. Many persons who have held the office of Major-domo have been created Cardinals, and this reward has even become usual since the end of the last century. The Major-domo has the costume of the prelature, the *mantelletta*. His place is always on the right when the Pope is on his throne without pontifical vestments. As the first minister of the Household he is in a manner the guardian of the Pope's person. He keeps one of the keys of the gallery called the Ambulacrum of Alexander VI., which communicates with the Castle of St. Angelo. He has also one of the keys of the iron casket in which is preserved St. Peter's Chain; and one of the keys of the tabernacle at St. John Lateran, which contains the heads of St. Peter and St. Paul. It is the Major-domo who covers the face of the dead Pontiff with a veil of white silk, and who seals the coffin with his arms. The Major-domo has but little to do with the faithful outside the Apostolic Palace.

2.

After the Major-domo comes the Maestro di Camera. His great function is the introduction of persons who are to have audience of the Pope. He is a Palatine prelate, that is to say, he has

his apartments in the Palace. His arms are, on the dexter side, the arms of the reigning Pontiff, and on the sinister the arms of his own family. His escutcheon is surmounted with a prelate's hat, with ten tassels of rose silk, like those of a Protonotary. The Maestro di Camera gives notice of all the functions that are to be performed by the Pope, and of all the audiences, whether audiences of rule or private audiences. A list of the audiences of rule is printed and distributed to all the Cardinals, and to others concerned. This is done twice a year, since the hours are not the same in summer as in winter. This list gives the time when the Pope receives in audience the Prefects and Secretaries of the various Sacred Congregations.

It is to the Maestro di Camera that applications for private audiences of the Pope are made; and these should be accompanied with the recommendation of some known person, since on this official there rests the responsibility of presentation.

The Maestro di Camera is also the keeper of the Fisherman's Ring. It is entrusted to him at entrance on his charge, and he returns it to the Pope when he leaves his office. At the death of the Pope he hands this ring to the Cardinal Chamberlain. As all Briefs are sealed with the Fisherman's Ring a duplicate of it is kept for

this purpose. Up to 1842 the seal was impressed on red wax, but to obviate the difficulties of the weather, Gregory XVI. ordered that it should be impressed on Briefs in red ink.

The Maestro di Camera, like the Major-domo, continues to exercise his functions up to the burial of the Pope, and after it he lays aside his violet robes for the black mourning of Prelates of the Pontifical Court. In ceremonies his place is on the left, as the place of the Major-domo is on the right, of the Pope.

In connection with the Maestro di Camera some account of the audiences, of which he has charge, may be of interest. Ecclesiastics must present themselves in black cassocks, with the *ferraiolone*, or Roman mantle, which is indispensable. Laymen had formerly to wear Court dress, if they had no official costume. Court dress was of black, with kneebreeches, silk stockings, and buckled shoes. At the present day, black evening dress with a white tie is held sufficient. Decorations of foreign governments may be worn, but decorations of Pontifical orders must have the first place. Women must be in black, with lace veils. Gloves are forbidden to them. Only princesses of the blood royal can wear gloves. Even this concession is comparatively modern. Ambassadors and Ministers

of Sovereigns have one hand gloved; the remaining glove is held in the other hand. Soldiers may wear gloves, if gloves form part of their uniform. In former times Prelates came in rochet and mantelletta. In the present day they need have only the cassock with the mantle of ceremony.

The first chamber through which a person to be presented in audience passes is that of the Swiss Guard. The second chamber is that of the Bussolanti, so called from the *bussola* or drum of red velvet in it which separates the place reserved for domestics from the places assigned to priests and prelates. No one who is not a prelate on duty can go beyond this chamber without being accompanied by one of the Bussolanti as far as the antechamber of honour. The uniform of the Bussolanti is of red velvet, with the Papal arms. From the chamber of the Bussolanti you pass to another, where are Gendarmes, and in which secretaries of Cardinals and of other personages are waiting. This opens into another chamber, where there is a detachment of the Palatine Guard. Then there is a waiting room hung with Gobelins tapestry, the gift of France, and a chamber in which there is a detachment of the Noble Guard. In the antechamber of honour there is erected the Pope's Throne, and here two honorary

chamberlains are on duty, one in violet, and the other with cape and sword. Beyond the entrance to this room the Bussolante cannot go. Then comes the private antechamber, at the door of which is a sentry of the Noble Guard. Entrance to the private antechamber is permitted only to private chamberlains, and to Cardinals, to distinguish them from Prelates. One of the rules of the Pontifical antechamber is that no one has right to remain in an antechamber to which his rank does not give him free access. Thus a chamberlain of honour cannot go beyond the antechamber of honour, and those who are not chamberlains of honour must stop at the threshold. Hither you have been conducted by the Bussolante, and here you are received by the honorary chamberlains, who conduct you to the door of the private antechamber, where you are received by the private chamberlains, to await your turn for presentation to the Pope. All must take off their hats at the antechamber of the Bussolanti. Cardinals alone can present themselves before the Pope biretta in hand, with the sole exception of officers of whose uniform the headpiece forms an integral part. By ancient usage the wearing of spectacles is forbidden, but when necessary the Pope's permission is asked, and is never refused.

In being presented to the Pope three genuflections are made, one at the door of his chamber, another midway, and the third before kissing the cross on his slipper. Here at his feet you remain kneeling, unless he tells you to rise, and to be seated. On leaving, three genuflections are again made, and you retire without turning your back, and consequently walking backwards.

Prelates alone have right to a train, and that only for cassocks of ceremony, and not for walking dress. Even then this train is drawn up within the girdle, and is never spread out. For this a trainbearer would be required, and in presence of the Pope no prelate has this privilege, but only Cardinals when in cappa magna.

If the Pope should go for audience to the Throne Room, which is the antechamber of honour, the next room becomes the private antechamber, the next to it the antechamber of honour, and the next the room where the Noble Guard is on duty.

When the Pope receives in private audience he wears a cassock of white moire silk in summer, and of white cloth in winter. By usage, which is, however, simply directive, Popes who are religious wear woollen cassocks. His girdle is of white moire, fringed with gold, and his skull

cap is white. The *camauro*, or clementine, so called from the Pope who introduced it, is a cap which surrounds the face, and covers the ears. It is of red velvet, bordered with white ermine. When the Pope goes out he wears a hat of red felt, with two wings and a gold tassel, and over his shoulders a cloak of red cloth, with double cape and bordered with gold. In some ceremonies, or when the Pope wishes to give somewhat greater solemnity to the occasion, he wears the rochet with a hood of red velvet bordered with ermine in winter, or of red satin in summer. His pectoral cross is concealed by the rochet. Over the mozetta he wears a red stole, with his arms embroidered on it. Red is the pontifical colour, and, if the Liturgy does not demand another colour in a ceremony, the Pope's pastoral stole is always red. It is in red vestments that he lies in state, when dead. In giving a solemn absolution he wears a red cope, shot with gold. In a secret Consistory, in which only Cardinals are present, the Pope puts the *falda* over his cassock. In public Consistories he adds cope and mitre. When he says mass in public he wears the vestments of a simple priest. When he celebrates with solemnity he wears, in addition to the vestments of a Bishop, vestments which are special to himself. Over his cassock he puts the *falda*. This is a sort of

very wide cassock of white satin. It hangs down on all sides, and is held up before and behind when he walks by two chamberlains. Over his alb he puts the *fanon*, a tippet striped horizontally with white and amaranth or purplish colour, relieved with gold, the front part of which falls over the chasuble. Over this tippet he puts the pallium, which is fixed in its place with three gold pins headed with precious stones. The Pope never uses the pastoral crook, which denotes a jurisdiction which is limited and dependent. When the Pontifical prescribes the pastoral staff, he takes into his hand a cross with one cross-bar, similar in form to a processional cross but of greater richness. A cross with three cross-bars, as a symbol of pontifical power, was unknown in ancient art, and it is not to be found among the pontifical insignia. The heraldic usage which gives to Archbishops a cross with two cross-bars is comparatively modern. The archiepiscopal cross, which stands under a dais or canopy in one of the chambers of the Palace, has only one cross-bar. A cross with three cross-bars has not only never been used by the Popes, but it is not recognized by them in heraldic usage. The papal cross is always placed in one of the corners of the throne room, and at the right hand of the Pontiff. The Pope does not, as a rule, pontificate except on solemn

occasions. He sometimes, however, administers the sacrament of confirmation in his private chapel to the children of sovereigns and princes, or to persons for whom he has a special benevolence. With the exception of Benedict XIV. who had a great partiality for ordinations, the Popes rarely ordain. If, however, the Pope should himself confer on a cleric any order whatsoever, or even tonsure on a layman, this cleric cannot be further ordained by any other Bishop, without dispensation. Hence Benedict XIII., when giving a Brief in testimony of orders conferred by him, gave along with it another Brief of dispensation for further ordination by any other Bishop in communion with the Apostolic See. The Pope more frequently gives episcopal consecration, either to do honour to some prelate, or as following a usage of the Pontifical Court. When a Cardinal Priest passes to the order of Bishop, or is called on to administer a Diocese, he ought to be consecrated by the Pope or, if this is hindered, by a Cardinal who is delegated to consecrate him in the Pope's place. Certain Palatine Prelates, or Prelates who have residence in the Palace, have the same privilege. When an Italian Bishop is preconized, it is the usage for the Pope to present him with a Pontifical, along with some other gift, such as a pectoral cross, or valuable ring.

The Tiara is not an exclusively distinctive emblem of the Pontificate. The Patriarch of Lisbon, who is promoted to the Cardinalate by right during the year following his elevation to this Patriarchal See, in accordance with a Bull of Clement XII., and who has the title and powers of a Legate *a latere* throughout the kingdom of Portugal, has also, by pontifical concession, or at least by usage with tacit approbation, the right to bear on his escutcheon a pontifical tiara, without the keys. The keys represent the Pontiff's supreme power of binding and loosing, and are distinctive of the Papacy. They cannot be transferred to any one, any more than the Pope can delegate to anyone his infallibility in teaching.

To return to the audiences given by the Pope. At public audiences the Maestro di Camera advances some paces before the Pope, and asks each one his name and diocese, in order to announce it to his Holiness. At public audiences the Pope ought not to be asked for extraordinary favours. It is superfluous to ask him to bless objects, since when he enters the chamber he blesses all present, and all the objects they have with them which are capable of being blessed. The favour of being allowed to assist at his Mass may be asked for; but nothing is to be

asked for which falls within the domain of any of the Sacred Congregations. A grant of power to indulgence beads, for instance, will have no extrinsic value. The authenticity of it is incapable of proof. An Episcopal Court will not only have the right of opposing, but will be bound in duty to oppose the exercise of an alleged grant by one who says that he had it directly from the Pope at a public audience. The favour of assisting at the Pope's Mass, and receiving communion at his hands, is always refused to priests, except on Maundy Thursday. The reason is obvious. It is more for God's glory that a priest should himself say mass, than that he should receive communion at the hands of even the Vicar of Christ.

3.

The Palatine Cardinals are so called, because anciently they had to reside in the Apostolic Palace. They are the Cardinal Pro-datary, the Cardinal Secretary of Memorials, the Cardinal Secretary of Briefs, and the Cardinal Secretary of State. These observe the order of their promotion as Cardinals Palatine, without regard to their seniority as Cardinals.

After them come the Palatine Prelates, the Major-domo, the Maestro di Camera and

Auditor of His Holiness, the Master of the Sacred Palace who is always a Dominican, the principal Private Chamberlains, the Pontifical Sacristan who is an Augustinian Bishop, the Secretary of Ceremonial, who is at the same time Prefect of Pontifical ceremonies, and the principal Apostolic Protonotaries.

Then come the Domestic Prelates, or Prelates of the Household, or of the *mantelletta*.

In the mantles of Prelates shortening is a sign of rank. The *mantellone* is a mantle which reaches to the feet, and is worn over the cassock by Prelates of inferior rank. The *mantelletta* reaches only to the knees, and is worn by Prelates of higher rank. The *mozetta* which is worn by Bishops and Cardinals, and by the Pope, is still shorter, and reaches only to the girdle.

In the College of Prelates there are three distinct classes. The first comprehends Patriarchs, Archbishops, and Bishops Assistant at the Pontifical Throne. The second is that of the Protonotaries. The third consists of Domestic Prelates, properly so-called; and these are divided into Prelates of a College, and Prelates who do not belong to any Prelatic College. There are four Prelatic Colleges, the College of the Rota — the College of Clerics of the Apostolic Chamber—the College of Referendaries

of the Papal Signature—and the College of Abbreviators. The College of Abbreviators was formerly divided into two classes; the Abbreviators of the Greater Park, and the Abbreviators of the Lesser Park, who were their assistants. They assembled in a great chamber round an oval table, in the order of their seniority, and railed off from the public by a wooden barrier, as in a sort of reserved park. Hence their name. Their function is threefold, to draw up the minutes of Bulls — in their collegiate or corporate capacity to examine into difficulties presented by certain clauses and formulas—and to sign Bulls in place of the Cardinal Chancellor. Prelates who do not belong to these Colleges are called simply Prelates of the Household. Prelates of the *mantellone* have not, strictly speaking, right to the title of Prelate, which belongs exclusively to Prelates of the *mantelletta*. Other Monsignori ought to be designated by the name of the college to which they belong. There is the college of Pontifical Masters of Ceremonies; and the college of supernumerary private chamberlains. There are colleges also of the supernumerary private chamberlains of cape and sword, of the honorary chamberlains in violet, the honorary chamberlains 'outside the city,' and the supernumerary honorary chamberlains of cape and sword.

A private chamberlain has always precedence over an honorary chamberlain and, as we have seen, can enter apartments which are closed to the latter.

The Pontifical Chapel comprehends, besides a Bishop who is the Pope's Sacristan, and the Masters of Ceremonies, the private chaplains, the private clerics of the chapel, the common chaplains, and the supernumerary chaplains.

The Pontifical family has also an official confessor, who is always a regular; and an official preacher, who is a Capuchin, and is after a certain period of service made an Archbishop.

4.

In the matter of dress, the distinctive mark of the Pontifical Court is the wearing of silk. The tissue and colour vary with the different prelatic colleges, but the base of the material is always silk, except in cold weather and in the case of Regulars. Bishops do not wear silk, but woollen or camlet, as is laid down by the Ceremonial of Bishops; silk being tolerated only for the facings and girdle. If, however, a Bishop should be nominated Assistant at the Pontifical Throne, he can while at Court wear silk even for his cassock, since he is then a member of the Household;

and is only forbidden to use velvet, satin, or moire. Velvet and satin are reserved for the use of the Pope, and moire for the use of the Cardinals.

The first of the colleges of the Roman prelature is that of the Apostolic Protonotaries. In ancient times these notaries were charged with collecting the Acts of the Martyrs. In memory of this they are still employed in causes of canonisation; and one of them, nominated by the Pope, is attached to the Propaganda, to take an authentic note of facts of sanctity, which may form the basis of a canonical process. Pius IX. in 1853, limited their number to seven, which was their primitive number.

There are three classes or grades of Protonotaries. There are Protonotaries 'of the number 'of participants,' and these are the Protonotaries strictly so-called. There are Protonotaries 'outside the number,' but 'after the manner of 'participants.' There are also merely honorary or titular Protonotaries.

The College of the Seven Notaries of the Apostolic See was increased to the number of twelve by Sixtus V. At one time these had precedence over Bishops, and consequently over all Prelates; Pius II., however, gave precedence

to Bishops, even if only Elect. In public Consistories four Notaries were nevertheless to have a place of greater honour, and nearer to the Pontifical Throne. In the solemn cavalcades also, on occasion of the Pope's taking possession of St. John Lateran's, or at the entrance of a Sovereign to Rome, they were to have precedence over Bishops and Archbishops, if these were not Assistants at the Throne, and over all prelates who were not Bishops.

Protonotaries 'participant' have the privilege of exemption from the jurisdiction of the Ordinaries. This was confirmed by Pius IX.

Protonotaries 'after the manner of participants' (*ad instar participantium*) are 'of the family' of the Pope. They are, however, subject to the jurisdiction of the Ordinaries. They wear the rochet, the cappa, the mantelletta, and the mantellone in Pontifical cavalcades; and follow immediately after Bishops who are Assistants at the Throne. In the Papal Chapel they have place after the Cardinal Deacons; and, if there are no Protonotaries participant present, they have their place and functions. Outside Rome they can use Pontificals, with consent, however, of the Ordinary. Both in Rome and outside Rome, they have in Collegiate, Cathedral, and Patriarchal Churches precedence over all Canons and Dignitaries, except Bishops. As Proto-

notaries they are also Referendaries of both Signatures. They have right to a private oratory, visited and approved by the Ordinary.

Titular Protonotaries have right to wear a prelatitial habit in public processions and other functions of the Church; but only outside Rome, and in places where the Pope is not present. This habit is a black mantelletta over a rochet. On other occasions the rochet is laid aside. Even if there should happen to be several titular Protonotaries in the same place, these do not form a college or corporation. They have no right to a violet collar, or to violet or rose coloured cords to their hats. In saying mass they are as simple priests. They can draw up the Acts in causes of Beatification and Canonisation, if no Protonotary participant is available. They are not of the family of the Pope, and they have not the privilege of a private oratory.

Prelates wear a violet cassock of cloth in winter, and of silk in summer. Whatever the tissue of it may be, the facings, lining, cording and buttons are of crimson silk. These are of scarlet silk for the violet mourning robes of Cardinals, for whom scarlet is exclusively reserved. A Prelate's girdle is of violet silk, with tassels of silk of the same colour.

Prelates who are Protonotaries wear stockings

of violet silk, with gold or gilt shoe buckles. Over their cassocks they wear a laced rochet, with crimson beneath the cuffs, and over it a *mantelletta* of the same material as the cassock. The biretta is only for the Church. It is of black silk, with three corners only, without cording or lace of any sort, and lined with silk of the same colour as the facings of the cassock. Out of doors, or in a carriage, a Protonotary, when in rochet and mantelletta, wears a black hat with a rose coloured cord. This makes two or three turns, and terminates in six tassels of the same colour, arranged in three rows.

The prelate's hat, which was worn in ancient times in solemn cavalcades, is now used only at the reception of a protonotary, or placed on his coffin. It is of black silk, nearly flat, lined with crimson silk, and tied under the chin with crimson cords ending in tassels of the same colour. The robes of ceremony of an Apostolic Protonotary are worn only in church, or at receptions or dejeuners which follow immediately after Mass. He never wears a violet cassock in the street If a prelate is canon of a cathedral he will wear the costume of the choir. Under it he may have his violet cassock, unless a black cassock should form part of the choir dress, and then he must conform to the costume of his colleagues. His walking dress is a black cassock,

without a train, of cloth or merino, bound with crimson, and with linings and buttons of the same colour. The facings of the sleeves are black, but may be of silk. Moire alone is forbidden. The girdle is of violet silk, with fringe of the same colour. Tufts or tassels are attached to the girdle only on ceremonial occasions when the prelate wears the violet cassock. At other times his girdle is simply fringed. Gold cannot in any case enter into the making of it. A prelate wears stockings of violet silk, with gilt shoebuckles, and violet gloves, over which he may put a gold ring with a precious stone. Over his shoulders he has a *ferraiolone*, or mantle of violet silk, but without crimson ribbons or crimson lining. The use of red facings and lining is reserved for Cardinals when they wear violet in mourning. A prelate's collar is of violet silk, and is worn even when the prelate is all in black. This violet collar is common to all the colleges of prelature; and is not distinctive of any grade of prelature. His ceremonial costume is essential for a Protonotary when he is received at the Vatican, or is present at an official reception, but not otherwise.

5.

Private chamberlains wear a violet cassock and girdle when on duty, and over it a *mantellone*

of the same material and colour. The mantellone is an exaggeration of the *mantelletta*, and reaches to the feet, while from behind the shoulders there hang violet strips, or false sleeves, like those of students. The collar is of violet silk. The walking dress of private chamberlains is a black cassock without train, with lining, cording, and buttons of violet silk. The mantle is of black silk, the collar and gloves are violet.

At Papal Chapels there is worn over the violet habit a scarlet cape with an ermine hood. This is worn only at the Vatican, or when a chamberlain is acting as a direct delegate of the Pope; as when, for instance, he is, as Ablegate, carrying the biretta to a Cardinal outside Rome.

Private chamberlains cease with the Pope who nominated them. Renewal of the appointment has to be petitioned for from his successor.

A private chamberlain in uniform has right to a military salute from the soldiers of the Pope. When he enters the Vatican by the bronze gates, not only does the Swiss on guard present arms, but the Swiss guards rise and remain standing while he passes.

Private chamberlains crest their arms with a violet hat with three rows of tassels of the same colour. Honorary chamberlains in violet have right to only three tassels.

Besides the private chamberlains in violet, there are also private chamberlains 'of cape 'and sword.' Their uniform is of the period of Henry II. of France.

The Master of the Sacred Hospice, the Quarter-Master Major, the Grand Equerry or Master of the Horse, the Superintendent-General of Posts, and other seculars of equal grade with private chamberlains, have right to the title of private chamberlain of cape and sword. Each of them has a special costume appropriate to his office.

The supernumerary chamberlains of cape and sword cease with the Pope who appointed them.

Chamberlains of cape and sword have three uniforms. One is of scarlet cloth, with facings of black velvet, and gold embroidery. This dates from the days of Pius VI. Pius VII. added to epaulettes of gold. It is worn only on visits to newly created Cardinals, or when these chamberlains have to attend on some sovereign who is sojourning in Rome. The second uniform is more frequently in use. It is of black, ornamented with white lace, and like the ruff is of the period of Henry II. The cap is of black velvet, with a plume of the same colour, attached to it with a gold clasp. There hangs from the ruff a silver-gilt chain which is formed of three smaller chains, with the tiara

and keys in the centre. On a cartouche of blue enamel are the letters in gold, C. S. for private chamberlains, and C. H. for honorary chamberlains. A third uniform worn when on duty at the Vatican, and when there are no solemn audiences which demand gala costume, is simply evening dress with the gold chain.

The function of the supernumerary private chamberlains is to wait in the Pontifical ante-chamber at the hours when the Pope gives audiences. There should then be at least two of them, one in the private ante-chamber, and the other in the ante-chamber of honour.

The uniform of honorary chamberlains is the same as that of the private chamberlains. The only difference is in the ante-chambers assigned to them, in the precedence which they have to give to the private chamberlains, and in this that on their coats of arms the hat has only three instead of six violet tassels.

After these come the honorary chamberlains 'outside the City.' They have the same uniform as the private chamberlains, but can wear it only outside Rome. In Rome they have no right to be addressed as Monsignore.

Of the chaplains attached to the Pontifical Chapel, the private chaplains alone actually assist the Pope at his mass. Their costume is

the same as that of the private chamberlains. The honorary private chaplains assist them, and on occasion supply their place. Their existence dates from Clement XII.

There are also honorary chaplains 'outside 'the City.' They have right to their title and insignia only outside Rome; and are on duty only when the Pope happens to be outside Rome.

The Pope presents silver medals to the Prelates of his Household every year on the feast of St. Peter. The medals have on one side the effigy of the reigning Pontiff with the year of his Pontificate, and on the other a representation in relief of one of the chief events of the year. A complete collection of these medals is placed in the coffin of the Pope, in a red silk purse. These medals are not on sale.

6.

We have spoken of the Cardinal Secretaries as Palatine Cardinals, from their ancient right to residence in the Apostolic Palace. The Secretariate of State, under its present form, is comparatively modern. The name occurs for the first time in 1560, when St. Charles Borromeo was made Secretary of State by his uncle Pius IV. The Secretary of State is Minister

of Foreign affairs. He receives Ambassadors, and gives to Nuncios their instructions. When an Ambassador presents his letters of credence to the Pope, or goes to take leave of his Holiness, he always makes at the same time a visit of ceremony to the Cardinal Secretary of State. So do Princes who are passing through Rome. Their visit is returned by the Cardinal, both in his own name, and in place of the Pope, who cannot at present leave the Vatican. It is in the apartments of the Cardinal Secretary of State that the diplomatic dinners are given. The etiquette of the Roman Court prevents the Pope from giving dinners in his own apartments when 'within the City.' Outside Rome he receives to his table Cardinals, and other personages to whom he desires to do honour; as at Castel Gandolfo in the days of Pius IX. before the usurpation.

The Secretary of State also administers the goods and estates of the Holy See, and has charge of the Apostolic Palaces, of which he is Prefect. He makes up every year the budget of receipts and expenditure. He also receives many persons who are unable to have audience of the Pontiff. Tuesdays and Fridays are reserved by him for the corps diplomatique, and on these days he does not give other audiences. On other days the Cardinal Secretary does not

receive until after he himself has had audience of the Pope.

When a Cardinal arrives at the Secretariate of State he is admitted at once, and even a Bishop has to retire until the Cardinal has taken his departure. Even Cardinals, however, have to give place to the Cardinal Dean, if he should arrive at the Secretariate. The Cardinal Dean is never kept waiting, even in the ante-chamber of the Pope.

The same favours are asked of the Cardinal Secretary of State as are asked of the Pope, of whom he is, as it were, the right arm. It is by a Note from him that the Consultors of the Roman Congregations are nominated. It is through him that Nuncios submit the names and qualifications of candidates for the Episcopate; and that the Pope assigns to Cardinals their protectorates of religious institutes.

The Cardinal Secretary of State has an Assistant, who is called the Secretary Substitute. This Prelate has to write in cypher the Pope's instructions to Nuncios on matters of delicate importance, and to decypher their answers Cypher is of ancient usage in the Secretariate Innocent VIII. asked the Duke of Milan to use cypher in his correspondence with him. Alexander VI. wrote to the King of Spain in 1493 that he had received his letter in cypher.

The post of Substitute Secretary of State is

very honourable, but it does not, directly at least, lead to the Cardinalate. It is simply prelatitial, and does not even demand that the prelate should be a Bishop.

The Cardinal Secretary of State seals his letters with his arms, but official correspondence with the seal of the Secretariate. This bears a tiara surmounting the two keys, which are bound together with a cord. The legend is—Secretariate of State.

A prelate ought to have six different seals, corresponding in size with the rank of the persons whom he addresses. The seal of largest size is for Rescripts and Patents. The legend which surrounds the arms indicates the prelate's charges and dignities. The second seal is of less size, although still large. It is used for letters to a person of rank inferior to his own, who has right to be addressed as Most Illustrious. The third seal is of medium size. It serves for inferiors who are, nevertheless, not the prelate's subordinates. The fourth seal does not ordinarily have the legend round the arms. It is for those between whom and the prelate there is but little difference of rank, as when a Cardinal writes to a Duke or Prince. The fifth seal is called the small seal. It is for letters of equals to equals, or of an inferior to a superior. The sixth and

smallest seal of all is only for letters to the Pope, or letters to sovereigns.

The less the rank of the writer, in comparison with him whom he addresses, the smaller is the size of the seal. It is in accordance not with the size of the envelope, but with the rank of the person to whom it is addressed.

The seal ought to be impressed on red wax. To seal a letter to a person of rank with wax of any other colour, or even with black wax, is not in accordance with rule.

The seal at the end of a letter to certify the authenticity of the signature may be simply a printed stamp, and sometimes this is impressed on a slip of paper which covers a wafer. Stamps are used as seals in the Secretariates of the Sacred Congregations. Rescripts of the Penitentiary are closed with a band of paper round all the folds, and gathered beneath the seal of the Cardinal Prefect.

Paper of large size is used in the Secretariate of State. The handwriting is also large. It begins in the middle of the page, leaving the space on the left as margin. These documents are never written by the Cardinal Secretary with his own hand. He makes a minute, and this is transcribed by a secretary. All that the Cardinal writes is his name, and the 'very devoted 'and true servant,' which precedes it.

7.

In former times there was only one Apostolic Secretary at the Pontifical Court. In process of time it was found advantageous to distribute his offices. Briefs form an important part of an Apostolic Secretary's daily work, and for Papal Briefs there is now a separate Secretariate, with a Cardinal at the head of it. The Court of Rome being in correspondence with crowned heads, there is a Secretary of Briefs for Princes. Many letters of the Pope, especially those letters which are sent to foreign countries, are written in Latin. There is therefore a Secretary of Latin letters. Petitions come in multitudes to the Pope from all parts of the world. There is therefore a Secretary of Memorials.

The Secretary of Letters to Princes has also sometimes to write to other persons of secular rank, or of ecclesiastical dignity. These letters are occasionally signed by the Pope, but more frequently they are signed by the Secretary. This prelate is generally a Canon of one of the great Patriarchal Basilicas. It is he who is ordinarily charged with reducing to form the Pope's Allocutions, Constitutions, and Encyclicals. He has not, however, any right to claim this office. The Pope employs any person whom he pleases.

8.

The first mention on record of the Secretary of Memorials is in a note of necessaries for the service of the Pope, after the election of Alexander V. In this note he is spoken of as the Registrar of Supplications. The power of this Cardinal is very considerable, both on account of a certain latitude which is left to him in the transaction of matters of importance; and because in referring to the Pope matters of still greater importance, his counsel has naturally great weight. He is one of the Palatine Cardinals, as we have seen, and takes rank among them in the order of his promotion. He has a prelate as his Substitute Secretary, and other assistants to classify petitions, and draw up rescripts.

The Secretary of Memorials remains in office during only the lifetime of the Pope who appointed him. If, however, the succeeding Pope does not confirm him in his office he receives, in accordance with Roman usage, another employment which is, at least, equal to that which he has lost. It is not the custom of the Pontifical Court to depose, apart from demerit.

Favours petitioned for in memorials are granted by the Pope with the words—'*pro 'gratiâ.*'

The words—'And God,' at the end of a

petition, are the first words of a deprecatory formula, that God may heap His blessings on the Pontiff. It is like the *Bene valete*, 'Fare 'well,' with which the ancients ended their letters; or the formula with which we are familiar 'And your petitioners will ever pray.'

The Roman Curia makes use of a special and very durable paper, made by hand at Fabriano. It goes by the name of *Carta palomba*, from the dove (*palomba*) in the water-mark.

A petition is folded in two along its length, and endorsed at the top 'To His Holiness, 'Pope Leo XIII., happily reigning.' In the middle are the letters 'P R O,' and at the bottom 'By the undersigned petitioner,' or his name is given.

Omission of the christian name throws doubt on the identity of a petitioner, and the Chanceries often refuse to expedite a favour on the ground of insufficiency of designation. The Romans have a great attachment to baptismal names. Priests are called by their baptismal name with Don prefixed to it. This is a corruption of the Latin *Dominus*, and is equivalent to our Mr. The use of the prefix Don with the christian name began in Spain, to designate the King, and Princes of the Blood-royal. It was afterwards extended to the nobility, and persons of rank or fortune. From them it passed to

Bishops, to Priests, and even to women in the form of *Duena*. From Spain the usage came to Naples, with the Spaniards in the time of Ferdinand V. and Charles V. It extended itself throughout Italy, and is now retained to designate Priests and Princes. A woman is ordinarily addressed as Signora; but Donna is used to designate those who from their names or riches have the rank of Princesses.

After the name and diocese of the petitioner—for ecclesiastical designations alone are recognised in petitions at the Court of Rome—comes the request. This should be in as few words as possible. It should present at a glance and precisely that which is asked. The Sacred Congregations have sometimes, through the circumlocution of the petitioner, been led astray into granting favours which were not those wanted. Then comes the reason for which the favour is asked; since by natural law nothing should be done without a motive. This also should be stated with brevity. When a recommendation is required, the most efficacious is that of the Diocesan Bishop. His *visa* is put at the end of the document. Original documents should not be forwarded with petitions. They will ultimately be placed in the archives along with the petition, and it may be difficult to recover them.

9.

The Apostolic Chancery derives its name from the times of the Roman Empire, which the Church has copied in many matters which relate to administration. The Chancellor is so-called, according to some, because he cancels defective documents which come to his department; or, according to others, because he was railed off from the public by (cancellos) a grille or bar. The Cardinal Chancellor is called Vice-Chancellor, since the office was at one time held by a person of inferior dignity. The office is, in the substance of it, as ancient as the Church. It began as soon as there were ecclesiastical letters of which an authentic copy had to be kept. St. Jerome, who was Secretary to the Pope St. Damasus, has been sometimes called his Chancellor. Since the Chancellor of the Church is by right a Cardinal, painters have given to St. Jerome a Cardinal's hat; but there were no Cardinals, as we have them now, in St. Jerome's time. The drawing up and expediting of Bulls is the principal occupation of the Papal Chancery.

A Bull is so-called from its leaden seal, the *Bulla* of the Romans, which guarantees its authenticity. In its usual form it is written on a large sheet of parchment. It is always in

Latin. In ancient times it was written in Gothic, or rather in Lombardic characters; and the writing used to be until lately straight on, without interruption, punctuation, or separation of sentences, and diphthongs were not used. Leo XIII., in 1878, abolished the use of the Lombardic character, which had lasted for more than a thousand years, and had come to be called *Bollatico* from the use of it in Bulls. He substituted for it the ordinary Latin characters, along with necessary punctuation, the absence of which had given rise to various doubts and questions of interpretation. The leaden seal, always cumbrous and inconvenient, is now used only for Bulls of bestowal, erection, or dismemberment of the greater benefices, or for the most solemn acts of the Holy See. For other acts a stamp in red ink is used. It bears the heads of St. Peter and St. Paul, and round it is the name of the reigning Pontiff. This makes one difference the less between Bulls and Briefs.

Bulls commence with the words—'Leo, 'Bishop, Servant of the servants of God;' and, if the Bull treats of matters which are to continue unchanged—'For future (or perpetual) 'remembrance of the matter.' If the Bull is addressed to an individual, it has the words—'Health and Apostolic Benediction.' In Briefs addressed to heretics, schismatics, and noto-

riously excommunicated persons, this salutation is omitted. Briefs addressed to infidels, that is, unbaptised persons, have by way of salutation,—'The Light of Divine Grace.' The text of the Bull follows, and it ends with—'Given at 'Rome, at St. Peter's (or some other Basilica 'where the Pope happens to be) in the year of 'Our Lord's Incarnation . . . the Kalends of ' . . . and in the . . . year of Our Pontificate.' The year is not that from the Nativity, but from the Incarnation. The year of the Roman Chancery begins on the twenty-fifth of March.

When the Bull is finished, the Regent of the Chancery, having had the document compared with the minute, writes on it the first letter of the name of the Chancellor, and puts on a corner the two letters L. C. to shew that it has been read and corrected, and hands it to the Keeper of the Seal. The seal was formerly a circular medal of lead, with the heads of St. Peter and St. Paul, separated by a Latin cross, and at the top of the other side, the name of the Pope preceded by a cross with rays. The seal was attached to the Bull with a cord, which varied in material and colour with the subject matter of the Bull. The cord was of white silk for Bulls concerning Bishoprics and the Greater Benefices; and of red and yellow silk for Bulls of Absolution from censures, or of provision of

benefices reserved to the Holy See. Red and yellow, which are at the present day the colours of the Municipality of Rome, and of the Basilicas, were in ancient times the Imperial colours. When Napoleon, in his desire to resuscitate the Empire of the West, would appropriate these colours, Pius VII. changed the colours of the Pontifical standard to white and yellow. The Swiss Guard has its own special banner of red, blue and yellow; and every quarter of the City has its oriflamme. The red and gold of the ensign of the Basilicas is regarded as an imperial and pontifical colour. For this reason the seals of certain Bulls were attached to them with a silk cord of those colours. The cord of Bulls for provision of benefices of less importance was a mixture of silk and hemp, red and yellow. For marriage dispensations it was entirely of hemp. If a Bull is addressed to the brother or nephew of a Sovereign, and is not a marriage dispensation, the cord is of gold and silver, and the seal is of gold instead of lead. This was used in 1819, on occasion of the promotion to the Archbishopric of Olmutz of Cardinal Joseph Renier, Archduke of Austria, and brother of the Emperor, Francis I.

The Cardinal Chancellor does not ordinarily sign Bulls, but after the signature of the Regent of the Chancery there are the signatures of

some of those whose principal function it is to prepare the minutes of Bulls, to be copied by the Apostolic Scriveners or copyists.

The Pope does not sign any Bulls, except Bulls of Canonization. These are signed also by the Cardinals of the Court, in the order of their seniority in the Sacred College. The Pope himself ordinarily signs only the minute, which is preserved at the Chancery.

When the Dataria presents to the Pope the petition for a grant or favour, and has procured his 'Let it be done as is asked,' the Prelates Abbreviators, either in person or by means of their assistants, make on ordinary paper a minute to be signed by the Pope.

There are certain Bulls which the Pope initiates of his own accord, and which concern the whole Catholic world. There are other Bulls in favour of certain persons, such as Palatine Prelates, relations of the Cardinals, Auditors of the Rota, and the like. These are signed by the Cardinal Vice Chancellor with his own hand. Bulls issued by the Pope after his election, but before his coronation, are dated from 'Our reception of the Apostolic office,' instead of 'In the . . . year of Our pontificate.' These are, however, Briefs rather than Bulls, properly so called, which the Pope does not issue before his coronation.

In short, therefore, there are, or rather were, five principal differences between a Bull and a Brief.

1. A Bull used to have a leaden seal, while a Brief is sealed with the Ring of the Fisherman. This seal is circular, and bears St. Peter seated in a boat and casting his net into the sea, and above is the name of the Pope. Bulls and Briefs are expedited in different departments—a Bull in the Chancery, and a Brief in the Secretariate of Briefs.

2. Bulls are written on large sheets of rough parchment; Briefs on fine vellum. The handwriting in Briefs was always cursive; while it used to be Lombardic in Bulls.

3. A Bull is dated from the year of the Incarnation; and a Brief from the year of the Nativity.

4. A Bull begins with 'Leo, Bishop, Servant 'of the servants of God;' and a Brief begins with 'Leo, Pope,' in the centre of the page, like a title.

5. Briefs are subscribed by the Cardinal Secretary of Briefs, and bear only his signature and that of the Secretary Substitute; Bulls have, either at the end of the text or on the back, a number of signatures of various persons employed in the Chancery.

10.

The direction of the Dataria was in ancient times entrusted to a Prelate; but for the last three hundred years it has been reserved for a Cardinal. Since, however, it does not become a Cardinal to have a title that at one time belonged to a prelate, he is called the Pro Datary.

The Datary has been called by ancient authors the Eye of the Pope. He lived with the Pope, and followed him in all his journeys, so as to be ever ready to execute his orders. He had audience twice a week, early in the morning, so that the Pope might begin the day with the granting of some favour. At the present time the first audience of the day given by the Pope is the audience to the Secretary of State. To preserve, however, some trace of the ancient usage, the Cardinal Pro Datary is received in the morning, if possible, on Tuesdays and Fridays. He comes accompanied by the Sub Datary, who brings the current petitions for favours in a velvet bag of red or violet, according to the season, to be submitted to the Pope. The Cardinal Pro Datary remains in office till the death of the Pope. All petitions which have not then been dealt with are presented to the Cardinals at their first

meeting, and placed in a sealed box for the next Pope.

The services of an agent may be dispensed with in business before the Sacred Congregations, which one is free to transact in person, but both in the Roman Chancery and in the Dataria a recognized intermediary must be employed, who is known as an Apostolic Expeditioner. In order to practise he has to make an apprenticeship of ten years, and after examination to be admitted by rescript of the Cardinal Pro-Datary.

II.

Like other Sovereigns, the Sovereign Pontiff sometimes decorates certain of his subjects who have distinguished themselves in the service of the Christian commonwealth.

The Emperor Constantine founded an Order of the Golden Spur, with the approbation, it is said, of Pope St. Sylvester. It was so called because it gave right to wear spurs of gold. With these the knights were invested at their installation. They had also a golden collar, and their sword guards were of gold. Hence the term *militia aurea* Golden Knights. This Order was celebrated in the middle ages, until admission to it became too easy. At one time Cardinals, Archbishops, and Bishops Assistant

at the Pontifical Throne, as well as certain Prelatic Colleges, had power, through Pontifical concession, to admit to this Order. Even a layman like Duke Sforza had got from the Pope this privilege.

Pius VII. in 1824 separated the title of Count Palatine from that of Chevalier of the Golden Spur. Gregory XVI. in 1841 reconstituted the Order under the name of the Order of St. Sylvester. It comprehends two classes only, Chevaliers and Commanders. The Chevaliers have the decoration attached with a red and black striped ribbon; the Commanders, with a golden collar. The cross is of eight points, and there is hung beneath it a golden spur, with St. Sylvester, and the words Sanc. Sylvester P.M. on the one side, and on the other side MDCCCXLI Gregorius XVI Restituit. The Commanders have a similar but larger cross, hung from the neck. Gregory XVI. limited the number for the Papal States to three hundred Chevaliers, and a hundred and fifty Commanders. Both classes have right to a special red uniform with epaulettes, and to a sword guard, spurs, and collar of gold, as in the old Order. Ordinarily, however, only the decoration is worn.

The Order of the Holy Sepulchre was contemporaneous with the Order of St. John of

Jerusalem, better known as Knights of Malta. The decoration is a Jerusalem Cross, or red cross the four arms of which are terminated with cross-bars. It is attached with a black ribbon. Pius IX. in 1868 gave to the Patriarch of Jerusalem the exclusive right to bestow the decorations of the three classes which compose this Order.

The Order of Christ was created in 1318 by the King of Portugal, and confirmed in 1320 by Pope John XXII., and reserved for persons of high rank. The Popes have rarely used their right to admit to it.

Gregory XVI. before restoring the Order of the Golden Spur, had founded in 1831, an Order bearing his own name, for rewarding both military bravery and civil merit. This Order is of four classes, Grand Crosses of the first class, and of the second class, Commanders and Chevaliers. The first class wear saltirewise a broad red ribbon bordered with yellow, from which depends on the right side the decoration of the Order. On the breast there is the same decoration on a plaque surrounded with rays. Grand Crosses of the second class wear the cross at the neck, and the plaque, but without the rays. Commanders have the cross suspended

from the neck by a red cravat bordered with yellow. Chevaliers have a smaller cross at the buttonhole. The decoration is a cross of eight points in red enamel. In the centre, within a circle of blue enamel, is the head of St. Gregory, with the traditional dove, in gold, and around it the words, Sanctus Gregorius Magnus. At the back are the words—Gregorius XVI., P.M,, Anno I., Pro Deo et Principe. Gregory XVI. abolished the usage of wearing on the breast the badge in brilliants, and declared that a Grand Cross should wear it only in silver, and could not wear it in brilliants without a special grant to this effect. The Grand Chancellor of the Order of St. Gregory is the Cardinal Secretary of Briefs.

Pius IX. instituted, or rather restored, the Pian Order, instituted by Pius IV., the Chevaliers of which formed a college attached to the Apostolic Chancery. The Chevaliers of this Order are noble, and the nobility of one class of them descends. The others are reckoned as personally noble, but their nobility dies with them.

There is no equivalent of the French *De* or the German *Von* as a prefix of noble names in Rome, even in the case of princely families. Nobility in Rome consists in the title which

precedes the name, and in the right to surmount the arms with the helmet of a Chevalier, or with a coronet. The Romans do not ordinarily wear decorations, but only on ceremonial occasions, or official visits. They always, however, put their titles on their cards. They do not, as a rule, put the escutcheon, but only the coronet above their names. If the arms are engraved on cards, it is at the top of the card in the case of a Duke or Prince, or Cardinal or Bishop. In the case of persons of lower rank, whether in the nobility or in the Church, it is in the lower right hand corner.

The decoration of Pius IX. is a cross of gold with eight points, and flaming rays in the intervals. In the centre are the words Pius IX. on a cartouche of white enamel, surrounded by a ribbon of blue enamel with the legend in golden letters—Virtute et Merito. At the back is the date, Anno 1847, the year in which Pius IX. revived the ancient Order, and gave to it new statutes. The ribbon is of dark blue moire, bordered with red. Chevaliers of the second class wear the decoration on the breast; those of the first class wear it suspended from the neck by what is commonly called the *cravat* of a Commander. A Chevalier of the first class who has also the plaque or badge is styled a

Grand Cross. He does not wear the decoration at the neck, but on the right side suspended by a long broad ribbon worn saltirewise. A Chevalier of the first class cannot wear the plaque, unless it has been granted to him in his Brief; nor can it be adorned with precious stones, without a special privilege.

Bishops Assistant at the Pontifical Throne receive at the time of their nomination the title of Count. This title is also given to laymen in reward of their services to the church. These Counts are properly Counts Palatine, and not Roman Counts, as they are very often but inaccurately called. They were in ancient times Companions (Comites) of the Pope, when he lived at St. John Lateran, and they composed his Court. The insignia consist of a gold cross and chain, and a mantle with embroidered cross. The official title of this dignity is—'Count of 'the Apostolic Palace, and of the Court of the 'Lateran.'

CHAPTER V.

The Diocese of Rome.

All the world knows that the Pope is Bishop of Rome, but in the minds of many the idea of his Diocesan Episcopate is, if not swallowed up, at least overshadowed by the idea of his worldwide Episcopate, *cujus diocesis est orbis terrarum.*

Besides his universal episcopal power which is supreme, the Pope possesses also an inferior episcopal power which is not universal, but local. The Pope has a particular diocese of his own. It is as limited in extent as are other dioceses. Territorially it is not even so extensive or so populous as are some of them.

A sketch of the diocesan administration of Rome and its District appeared in 1852 in the *Analecta Juris Pontificii*, which is published at Rome, with the Imprimatur of the Master of the Sacred Apostolic Palace, and of the Cardinal Vicar of Rome. From this, and later sources

of information, we shall gather some interesting particulars.

The Pope's powers as a Diocesan Bishop are confined within the boundaries of the city of Rome, and a limited surrounding district. The Diocese of Rome was at one time co-extensive with the old Prefecture of Rome. In process of time Episcopal Sees were founded within this territory, and at the present day the Diocese of Rome does not extend farther than forty miles from the city walls. Within this limit, moreover, any territory which is subject to another Diocese or Chapter does not belong to it. The Suburbicarian Bishoprics almost encircle Rome, and parts of them approach to within a dozen miles of Rome.

To be Bishop of this Diocese the Pope has been elected as other Bishops are elected. He has been elected by the Diocesan Clergy of Rome, through the higher members of that Clergy, who are the Cardinals; just as any other Diocesan Bishop is elected by the Diocesan Clergy, through the higher members of that Clergy, who are the Canons of the Cathedral Chapter. His election as Bishop of Rome rests for its validity not on divine law, but on ecclesiastical law, as much as does the election of any other Bishop. Once lawfully elected

Bishop of Rome, and on the instant in which he thus becomes Bishop of Rome, he becomes, not by ecclesiastical law, but by *divine* law, the Sovereign Pontiff of Christ's visible Church on earth. He is Vicar of Jesus Christ, not by constitution of the Cardinals who elect him Bishop, but *by divine right*, in virtue of the institution of Jesus Christ Himself. As Bishop of Rome, he is successor of Peter; and the successors of Peter are, one and all of them, the visible Vicars of Jesus Christ.

That this is so is an intestinal and a vital, and therefore an essential element in the constitution of Christ's visible church, as it was not only instituted but constituted by its Divine Founder. Ecclesiastical and human laws are capable of change, Divine laws are unchangeable. The divine law of the primacy of Peter in the whole series, and in every succeeding member of the series, of his successors is as unchangeable as is every intestinal and vital element in the constitution of a living organic body. That which the Church has not done, the Church has not power to undo. The Church begets Bishops, and among them the Bishop of Rome; but the Church does not bestow on him the primacy of Peter. It is his by *Divine* right. Hence the only difference between him as a Diocesan Bishop Elect and other Diocesan Bishops Elect is that

their election by the Diocesan Clergy requires confirmation by supreme ecclesiastical authority. His election, on the other hand, as Bishop of Rome, is incapable of such confirmation; and this of the very nature of the case, since supreme ecclesiastical authority is vested in himself in the moment of his lawful election.

In the Pope those two powers—the Supreme Pontificate and the Diocesan Episcopate—are distinct indeed, but they are inseparable. That which God and His Christ have joined together, it is not in the power of man to set asunder. Against an intestinal and vital element which belongs to the essential constitution or very being of the Church of Christ, built by Christ, and founded with its twelve foundations on the living Rock of Peter, even the gates of hell are powerless to prevail.

The Pope, therefore, is Bishop of Rome, not in title merely, or because he has under normal circumstances his residence in Rome, but with the same reality as that wherewith any and every Diocesan Bishop is wedded to his See. If he were not Bishop of the Diocese of Rome, he would not be Pontiff. He is not Bishop of Rome because he is Pontiff—or in the sense that the greater includes the less, and that the particular is contained in the universal—but he is Pontiff because he is Bishop of Rome. It is

with that Bishop and his Diocese of Rome that we have now to do.

2.

It is clear on the face of it that the Pope could not possibly in person look to every detail of diocesan administration. To do this is impossible for any Bishop, and every Bishop has his Vicar-General. The creation of a Vicar-General for the Diocese of Rome, or rather the first mention we find of this official, dates from the beginning of the thirteenth century. Honorius III., in 1216, had as his Vicar the Cardinal Priest of St. Pudentiana; and Innocent IV., in 1243, had the Cardinal Priest of St. Mary's in the Trastevere, whom he ordered to annul those statutes of the Roman clergy which tended to hinder free exercise of preaching on the part of the Friars Preachers, and the Friars Minor, 'an office to which they were known to be 'deputed.' Paul II. created the Bishop of Torcila his Vicar in 1464, 'with the accustomed 'burdens, honours, and emoluments.' He gave him faculty to visit churches and monasteries, to reform both secular and regular establishments, with judicial and coercive power, and all things essential to ecclesiastical jurisdiction. This appointment was at the pleasure of the

Pontiff, and not for life, as at the present day. He had power to give judgment in causes both civil and criminal, as well as in matrimonial causes, to confer the sacraments of the Church, to consecrate and reconcile churches and monasteries, and, in fact, to do all that belongs to the office of a Vicar 'by law, or by custom.' This shows that the office of the Vicar of the Bishop of Rome was, at this time at any rate, a stable office, the existence of which was well-known.

Besides these faculties in the Bull of Paul II., Paul III. in 1542 gave faculty to his Vicar, who was the Bishop of St. Sepulchre, and whose appointment was for life, to confer Orders; and to assemble and celebrate Synods of the Roman Clergy for the correction of morals, and to meet the needs of the times, and that when and where he pleased; and to issue statutes and ordinances or constitutions. Paul IV. published a Consistorial Decree in 1558, which annexed the Vicariate of Rome to the College of Cardinals. From that time to the present the Vicar has always been a Cardinal. Before that time it was most often an Archbishop or even a Bishop who filled the office; although the Bishops of Rome, when leaving Rome for a time, had more than once nominated a Cardinal, as did Honorius III. when residing at Rieti. It is with the

greatest reason, says Cardinal de Petra, that this office should be exercised by a Cardinal, since it is of such ample power in the city in which there is the Household of the Pope, and where dwell the Cardinals of the Holy Roman Church, along with many Princes, Prelates, representatives of Kings, and other illustrious men. It was, therefore, with singular prudence that the custom was introduced that a Cardinal, and one who is also a Bishop, should be selected as Vicar of the Bishop of Rome. If this Cardinal is not already a Bishop, he is forthwith raised to the Episcopate.

In founding the Roman Seminary, a few months after the close of the Council of Trent, the then Pope Pius IV. placed it under the jurisdiction of the Cardinal Vicar. Although regulars of learning and renown were called to the direction of the Roman Seminary, the Pope expressly reserved the guardianship, patronage, and protection of it to himself and his Vicar General.

From the time of Clement VIII. to that of Benedict XIV. the faculties of the Cardinal Vicar underwent several changes in accessory matters of secondary importance. His spiritual jurisdiction remained intact. The changes were chiefly in his competence as regards causes which were purely secular. Paul V. in publishing

his reform of the Roman tribunals, traced certain limits within which the Vicariate was to confine itself. Thereafter Clement X. in creating the celebrated Cardinal de Carpegna, made him Vicar of Rome, and Judge Ordinary of the Roman Court, for all causes whatsoever, even those which were purely secular. He had power to decide these as did the ordinary judges, and also cumulatively or together with them. The powers in criminal cases with which this Bishop of Rome invested his Vicar were not less extensive. Before long, Innocent XII. reduced these faculties to the limits of the common law and of the Council of Trent, as they had been before the reform of Paul V. He also abolished the jurisdiction of the Cardinal Protectors of churches and pious establishments in Rome, suppressed their particular tribunals, and ordered all disputes and causes which had come before these to be carried to the ordinary Judges. Benedict XIII. in 1724, revoked these reforms of Innocent XII. so far as concerned the Vicariate. He replaced the Cardinal Vicar and his tribunal in the power of transacting all causes, civil, criminal, and secular, in the same way as they were transacted by ordinary Judges of the Roman Courts. This state of affairs lasted to the time of Benedict XIV., who revoked the Briefs of Benedict XIII. and

Clement XII. and again confined the jurisdiction of the Cardinal Vicar in contested causes within the limits fixed by Paul V. These variations did not in any way concern ecclesiastical or spiritual causes. These were always attached to the tribunal of the Vicariate. So far from interfering with these, Benedict XIV. confirmed the jurisdiction proper to the Cardinal Vicar, to the exclusion of every other tribunal, in matrimonial causes of the City and district, in causes which concerned ecclesiastical benefices, and in other clerical causes of the Diocese. He also reserved to the Cardinal Vicar the making of decrees for the renunciations and other contracts of religious, of either sex, who make their noviceship in the monasteries of Rome.

Pius VII. in re-establishing judicial order in the temporal States of the Holy See in 1816, confirmed the jurisdiction of the ecclesiastical tribunals in general, and of that of the Vicariate in particular. The well ordering of the tribunals and the administration of justice were objects of the solicitude also of Leo XII. He confirmed the Constitution of Benedict XIV. which permitted the transference, by express consent of parties, of purely secular civil causes to the tribunal of the Vicariate. He also extended this privilege to the other ecclesiastical tribunals. He ordained, likewise, that those tribunals in

general, and that of the Vicariate in particular, should continue to exercise criminal jurisdiction over all persons subject to the ecclesiastical court, and that with observance of the Canon Law, and of the Apostolic Constitutions actually in vigour.

In reorganising the Roman Seminary, he also fixed the residence of the Cardinal Vicar for the time being within the buildings of the Seminary. In reconstituting the Parishes of Rome, he gave certain new faculties to the Cardinal Vicar; as for instance, with regard to the approbation of confessors, and the jurisdiction, reserved to the Ordinary, over those pious congregations which do not take vows.

Gregory XVI. while recognising two other tribunals in Rome, the power of which was cumulative with that of the Vicariate in judging ordinary misdemeanours of ecclesiastics, made exception of cases which relate to morals, as belonging exclusively to the Vicariate.

3.

The jurisdiction of the Cardinal Vicar comprehends both *diocesan* rights, and rights of *iurisdiction*. These are the two constituents of which *episcopal* jurisdiction consists.

In virtue of *diocesan* right, the Cardinal Vicar

has power to call a Synod of the Roman Clergy. In virtue of *jurisdiction*, the clergy of Rome owe obedience and submission to the Cardinal Vicar.

Causes concerning marriage, benefices, alienation of ecclesiastical goods, communities of either sex, hospitals, confraternities, along with other objects of the jurisdiction of Ordinaries, belong to the Vicariate.

The *delegated* jurisdiction also over exempt persons and exempt places, as regards both cure of souls and the monasteries of religious, which is in many cases bestowed on Ordinaries by the Council of Trent, and by Apostolic Constitutions, the Cardinal Vicar has power to exercise. He can exercise this delegated jurisdiction in the same way and so far as the exercise thereof is permitted by the Council of Trent to Ordinaries and Bishops.

The Cardinal Vicar approves confessors in Rome, with the exception of the penitentiaries of the three Basilicas, of St. John Lateran's, St. Mary Major's, and St. Peter's. These obtain their approbation from the Cardinal Grand Penitentiary. Over the clergy of these Basilicas, the Cardinal Vicar has no authority. They are subject to a special administration, as if each constituted a separate diocese. The Cardinal Vicar does not, however, reserve cases in the sacrament of penance, as do other

Bishops; unless for some special reason, as in the case of those who do not make their Easter communion within the fixed time.

The Cardinal Vicar confers Orders on both seculars and regulars. He holds the Ordinations at St. John Lateran, either in person, or through his Vicegerent, and he alone has power of ordination for the whole of Rome. This does not, however, interfere with the ordinary powers of Cardinal priests in their Titular Churches, or of Cardinal archpriests in their Basilicas.

The Cardinal Vicar has power also to grant Dimissorial Letters for ordination. The only exception is in the case of the canons and clergy of the Vatican Basilica. These have the privilege of receiving Orders with the Dimissorial Letters of their Cardinal Archpriest, and in virtue of his mandate. This privilege has been recognised by a decision of the Sacred Congregation of the Council, and it is freely exercised at the present day.

Leo XIII. in 1879, decreed that the right to consecrate altars in the Titular Churches of Cardinals belongs to those Cardinals, and not to the Cardinal Vicar. This decree was the result of a special Commission, consisting of the Cardinal Dean, the Cardinal Prefect of the Congregation of Sacred Rites, and three other Cardinals who were Suburbicarian Bishops;

and was occasioned by the consecration of a new altar for St. Peter's Chains in the Eudoxian Basilica.

The Cardinals had at one time episcopal, or quasi-episcopal, jurisdiction, over both clergy and people witin the territory attached to their Titular Churches. This was, however, found to interfere with the well ordered administration of the Diocese of Rome, and the authority of the Cardinals over the people was abolished; and their authority over the clergy of their Titular Churches, and churches subject thereto, was restricted to matters connected with the service of the church, and pious places; and they no longer possessed a separate territory.

The jurisdiction of the Cardinals in their Titular Churches is a true jurisdiction. It belongs to them to bestow benefices in the gift of their Churches, to wear the rochet uncovered, as a sign of jurisdiction, to bless the people, to grant indulgences of a hundred days, to authenticate relics, and to use a throne in functions. Within their Titular Churches, the Cardinals cannot have any superior; otherwise there would be, says Cardinal de Luca, the absurd monstrosity of two heads for one body, or two husbands for one wife. A Cardinal Deacon who is not a priest cannot perform presbyteral functions in his Deaconry, nor can a Cardinal

Priest who is not a Bishop perform episcopal functions in his Title; but as he can commit these to a Bishop, so he can himself perform them if he happens to be also a Bishop. If this were not so, the episcopal or quasi-episcopal jurisdiction of Cardinals would be reduced to nothing, and nothing would be left to them but the insignia of it over the doors of their Churches. Paul IV. expressly calls their jurisdiction *episcopal*, and Sixtus V. while calling it *quasi*-episcopal, speaks of their Titular Churches being assigned to them as if they were their own dioceses.

Strangers who are living in Rome, and who have obtained Dimissorial Letters from their own Bishop to be ordained *by any Catholic Bishop whomsoever*, cannot receive Orders outside Rome. They must, notwithstanding these Letters, undergo examination by the Apostolic Examiners, and obtain their approbation. They must also have permission and authority from the Cardinal Vicar in writing, to receive Orders at the hands of any other Bishop. This was decreed by Clement VIII. in 1603, renewed by Alexander VII., and confirmed by Benedict XIV. in 1743, under pain of suspension for a year, to be incurred by the Bishop ordaining, and suspension of the clergy ordained, until they shall have procured dispensation from

the Holy See. Clerical strangers in Rome are free to return to their own dioceses and receive Orders from their own Bishop, if they have not actually presented themselves and been rejected by the Roman examiners. If, however, they have been so rejected, they cannot receive Orders elsewhere. This law with its penal sanction binds them even as regards their own Ordinary. It does not, however, affect either regulars, or strangers in Rome who have not as yet been tonsured.

The Cardinal Vicar confers also the Sacrament of Confirmation; and this Cardinals cannot do in their Titular Churches. He performs also other pontifical functions, and he can give leave to other Bishops to pontificate in Rome.

When a secular parish becomes vacant, the Cardinal Vicar nominates a vicar or econome for the period of the vacancy. He also issues the edict for the concursus or competition for the vacant benefice, in accordance with the decree of the Council of Trent and the Apostolic Constitutions. The competition and the scrutiny take place in his palace. Bestowal of the benefice is at the present time, however, reserved to the Pope; who bestows it through the court of the Dataria, which is his organ in this matter.

The visitation of churches, a function

assigned to the Cardinal Vicar by Paul II., was taken from him by the institution of a particular Congregation of Cardinals and Prelates for the Visitation of the Holy Roman Church. In this congregation, which was erected by Clement VIII. in 1592, the Cardinal Vicar and the Vicegerent intervene as ordinary executors of its decrees.

The Apostolic Visitation, as originally instituted, was twofold. The first time it was made with much circumstance and ceremony. A series of decrees was given, which the parish priest had to put in execution. After some sufficient lapse of time, one or more of the Visitors returned without notice, not for a second canonical visitation, but to ascertain that those decrees had been carried into execution.

In former times the local visitation was made in the churches of the City by one of the Cardinals of the Congregation, who had a Prelate as his coadjutor; and in the churches of the Diocesan district by a Prelate deputed by the Congregation for this purpose. The last local visitation in the City was that made by command of Leo XII. At the present day the Congregation, although it does not visit the churches and pious places by means of delegates, is diligently watchful that onerous obligations should be faithfully fulfilled. It requires

from rectors of churches and pious places every year the books which contain their obligations for masses and chaplaincies, and after it has submitted them to examination, it issues its decrees. The Congregation is also watchful that the endowments for chaplaincies and pious bequests should be securely invested and rightly administered, and it takes charge of any pious foundations which the faithful may wish to institute.

This Congregation also fixes the alms for masses said in the City, reduces ancient obligations in cases of diminution of revenue, and for just cause repairs byegone omissions by supplying from the treasury of the Church. It likewise decides questions with regard to chaplaincies and bequests in the City, when these are contested. These questions are transacted and decided in the first instance in a Congregation of the Consultors along with the Cardinal President; and on appeal in a general Congregation of the Cardinals. It consists at present of four Cardinals, with an Archbishop as secretary, three consultors, and four officials.

The functions which we have mentioned do not exceed the limits of ordinary diocesan jurisdiction. There are other functions in which the Cardinal Vicar exercises the pontifical power of the Bishop of Rome over the Universal Church.

For instance, the Cardinal Vicar dispenses with regard to Episcopal residence.

The appointment of the Cardinal Vicar is for life, and it continues during the vacancy of the Holy See; unless the Cardinal should resign his office to become a religious, as in the case of Cardinal Odescalchi. If the Cardinal Vicar leaves Rome for any time, he cannot nominate another Cardinal to take his place, as do Bishops in their Dioceses. The reason is because a Bishop has no one above him in his Diocese, and his authority as Ordinary is personal to him in the sense that he does not hold it by any delegation, while the authority of the Cardinal Vicar as Ordinary is a delegated authority. He governs in the name of the Bishop of Rome, of whom he is the representative. It is for the Bishop of Rome, therefore, to nominate his substitute. This is in practice generally the Vicegerent of Rome, who is a Bishop nominated by the Pope to assist the Cardinal Vicar in the exercise of his functions.

All matters of greater importance are submitted by the Cardinal Vicar to the Pope, of whom he has audience on the Saturday evenings of every week.

4.

The Church does not leave the Bishops without co-operators and counsellors in their pastoral functions. Archdeacons, Archpriests, Synodal witnesses, and similar officials have existed at various times from early ages. Others were added by the Council of Trent. The Sovereign Pontiffs, in their desire to conform to the spirit of the ancient canons, have erected in the Diocese of Rome institutions similar to those which canon law prescribes for other dioceses. Besides the Vicegerent, who is the suffragan or coadjutor of the Cardinal Vicar, and besides other ministers in the Chancery of the Vicariate, there are in the Diocesan administration of Rome, several Congregations or Commissions for assisting the Cardinal Vicar in distinct and special exercises of his jurisdiction. These Commissions are stable and permanent. There is, in the first place, the Congregation of the Seminary.

The Council of Trent provided for the due administration of Diocesan Seminaries in temporal matters by prescribing the nomination of two Canons of the Cathedral Church, and two members of the clergy of the Cathedral City, as perpetual counsellors of the Bishop. It gave the nomination of one Canon to the Bishop,

and of the other to the Chapter. The two members of the clergy of the City were to be chosen, one by the Bishop, and the other by the clergy. These deputies are nominated for life. Although their votes are simply consultative, and the Bishop is not bound of necessity to follow them, there is nevertheless an obligation to ask their counsel; and that under pain of nullity of acts which are done without previous asking of their counsel.

This law of the Council of Trent cannot apply in all points to the Diocese of Rome. When a Seminary is handed over to a religious Congregation it does not apply. Apart from other considerations, moreover, there does not exist in Rome a corporation of Canons for diocesan administration, such as is the Cathedral Chapter in other dioceses. It is also a question which Church is the Cathedral of Rome. It has never been decided whether it is the Lateran alone, or whether it consists of all the four Basilicas, as members of one body by associated right, and as together forming one Patriarchal and Cathedral Church. Although it is a received principle of law that a Cathedral Church must be one and individual, yet its oneness may consist in its being habitually or formally one, and does not involve actual or material oneness. Of several material Churches

locally distinct, one Church may be constituted, with an order of precedence among its component parts; just as there is constituted one individual Chapter, consisting of the many persons of its Canons.

Hardly, however, had the Council of Trent promulgated its Decree on Seminaries, before Pius IV. took steps to found the Seminary of Rome. Within a month after the promulgation of the law in 1563, he assigned six thousand scudi of revenue, from the funds of the Apostolic Chamber, for the endowment of the Roman Seminary. He created at the same time a commission for the administration of it, consisting of four Cardinals. Of these St. Charles Borromeo was one. The endowment not being sufficient for the maintenance of the Professors and one hundred students, the Cardinals took their share in the good work. There was in addition the Conciliar tax on secular prebends and religious houses for the benefit of Diocesan Seminaries. Besides the hundred seminarists on the foundation who were received gratuitously, other students were admitted who paid for their own support. A Papal Brief in 1824 transferred the Seminary to the building of the Apollinare, and fixed its annual revenue at fifteen thousand Roman scudi.

The Letters Apostolic of Pius IX., who

founded the Seminario Pio, prescribe the nomination by the Pope of four ecclesiastics to assist the Cardinal Vicar in the administration both of it and of the Roman Seminary; although he is not bound to follow their counsel. This statute is in harmony with the law of the Council of Trent, in the number of the deputies, in their vote being simply consultative, and in their nomination for life. It differs only in the class of persons chosen, and in the manner of their selection.

The Council of Trent did not concern itself solely with the temporal administration, but also with the spiritual government of Diocesan Seminaries. It gave the charge of the studies and discipline to the Bishop and a Council of two Canons to be chosen by him. Pius IX. placed the studies at the Roman Seminary under two ecclesiastics, one of whom was called the Prefect of Studies, and the other the Prefect of Classes. The Prefect of Studies was, along with the Cardinal Vicar, to sign the diplomas of the Degrees in Theology, and in Canon and Civil Law, which the Roman Seminary has power to confer on its students.

The Council of Trent ordained that Bishops should examine candidates for Orders, by means of priests and other learned and prudent men.

It established also the necessary requirement of episcopal *approbation* for all priests, both secular and regular, in order to hear confessions. In fulfilment of this two-fold law, St. Pius V., in 1570, instituted the Apostolic Examiners of the Clergy. Although the Council leaves Bishops at liberty to approve without examination those priests who are in their judgment fit to hear confessions, yet from the date of the institution of the Roman Examiners the Cardinal Vicar has not given the patent of a confessor in the Diocese of Rome, except on approbation following on examination. For three centuries only two exceptions to this rule are known to have been made.

The examination of candidates for ordination takes place in the palace of the Cardinal Vicar. There must be present at least three examiners. The Cardinal Vicar has no power to dispense candidates from this official examination, without consulting the Pope in every case. The Constitution of Alexander VII. makes no mention of examination for tonsure, and, therefore, the Cardinal Vicar has power to send candidates, if he pleases, to be examined by one of the examiners.

The only exception from examination at the Vicariate is in the case of the canons, beneficiaries, and clergy attached to the Vatican

Basilica. These receive their Orders by permission of their Cardinal Archpriest. They must, however, have Letters Testimonial from the Vicariate, with regard to the legitimacy of their birth, and their life and morals during the time that they have been living in Rome.

In the Dimissorial Letters for Ordination granted by Bishops to those of their subjects who are living in Rome, there occurs the clause —'If you are found fit and capable'—but, out of respect for the Cardinalitial dignity of the Vicar of Rome, this ought not to be followed by the usual clause—'and as to this, we burden 'the conscience of the ordainer.'

Orientals to be ordained in Rome are examined, in the usual places of examination for Latin ecclesiastics, in moral theology, rites, and the language in which they are to say office and celebrate mass. For this purpose, either the Cardinal Vicar designates an examiner who knows the language and the rite of the candidate, or the examination is made by the ordinary examiners with the aid of a sworn interpreter. The students of all rites in the college of the Propaganda, and also the Maronites in their own college at Rome, and the Copts and Armenians, are subject to this law. It is only the Greeks of the Catholic rite, and the Italo-Greeks, who are ordained without any

faculty or permission from the Cardinal Vicar by the Bishop who is attached for this purpose to the Church of St. Athanasius.

5.

The Council of Trent, considering the immense importance of parishes being under the rule of worthy parish priests, made a law which instituted a *concursus* or competition for vacant parochial benefices, and ordered examination of the candidates by a Commission of Examiners. These are called Synodal Examiners, being appointed every year in the Diocesan Synod by the Bishop or his Vicar, to the number of at least six. These examiners already existed in Rome before the time of St. Pius V., who in the first year of his pontificate refers to them as already in existence. All bestowals of parochial benefices, and institution to cure of souls, made contrary to this law, and without approbation by the Conciliar Examiners, the Council declared to be surreptitious. St. Pius V. expressly annulled them in the Diocese of Rome, and afterwards throughout the Universal Church. Learning that certain Bishops and Archbishops had bestowed parochial benefices without examination, and in particular without this competitive examination, he annulled all of these

presentations, and declared that possession had not given to the occupiers any even colour of title or right, and that the benefices were vacant. In the case also of perpetual vicarages of parochial benefices attached to Chapters in the Diocese of Rome he, in granting to those Chapters the nomination of candidates, ordained that they should be chosen from among those who had been approved by the Cardinal Vicar, after examination by the Roman Examiners.

Clement XI. prescribed that all the examinations should be in writing. Oral examination has therefore disappeared from the practice of the Roman examiners for parochial benefices. Benedict XIV. prescribed that account should be taken not only of learning but also of moral qualities, and that under pain of nullity.

The examiners assemble twice for every competition. They meet, the first time to assign the subjects of examination, and the second time for the scrutiny. The Master of the Sacred Palace, who holds the first rank among the examiners, is not present the first time, but forwards theological cases for the candidates. Two examiners, chosen by lot, furnish three cases apiece. This makes nine questions in moral theology which the candidates have to answer in writing, and without the aid of any book. For this two hours are allowed. They

have also to write a sermon on one of the Gospels drawn by lot by one of the examiners. At the end of two hours the papers are collected and in presence of two examiners placed in an urn which is closed with the seal of the Cardinal Vicar, and deposited with a secretary who has charge of it till the day of scrutiny. All this takes place in one of the chambers of the Cardinal Vicar's palace. There also the examiners assemble in presence of the Cardinal Vicar to make the scrutiny, which decides the approbation of the candidates. There are present the Cardinal Vicar, the Civil Lieutenant of the Tribunal of the Vicariate, the Secretary of the Apostolic Visitation, the Dean of the Clerics of the Apostolic Chamber, the Advocate Fiscal, the Criminal Lieutenant, and the Secretary of the Criminal Tribunal. All these prelates are called on to pronounce as judges on the approbation of the candidates. They begin by settling on the answers or decisions which ought to be given to the theological cases. Care has been taken to select cases to which 'Yes' and 'No' should not be equally probable. The cases are such as are susceptible of only one decision, founded on the Canons, Apostolic Constitutions, and the doctrine affirmed by condemned propositions. This done, the secretary opens the urn, and takes out the compositions. The

candidate is sent for, and in his presence and in that of the voters, the secretary reads first the sermon, and then the case of conscience. The candidate retires, and the examiners give every one his vote—fully in the affirmative—partially in the affirmative—or in the negative, as the case may be. After the scrutiny with regard to knowledge, the moral requisites of every candidate who has been approved in knowledge are examined and discussed. All the voters have been supplied by the Cardinal Vicar with a compendium of the moral qualities of the candidates, drawn up at the Secretariate of the Vicariate, to be read and carefully considered, so that every voter may form his judgment as to which of the candidates is, all things being taken into consideration, the most worthy, and so the one to be preferred. That one is chosen who seems to be best suited for the vacant parish, even if he is not the most learned of all the candidates. Thus we see how the discipline of the *concursus* or competition for parochial benefices, instituted by the Council of Trent, and brought to perfection by the subsequent action of several Pontiffs, is observed in all its purity in the Diocese of Rome, and even more strictly, as regards the number of examiners, than the Council prescribes. Public notice is given ten days before the examination, so that all who

wish to compete may present themselves, not excluding strangers, provided they have been living in Rome for at least two years.

It is only in competitions for parochial benefices in the Diocese of Rome, that ten examiners are present. In the case of competitions for other churches, or following on appeals brought before the Sacred Congregations, the examination is entrusted to three theologians, of whom two are Apostolic Examiners.

6.

Leo XII. in reconstituting public instruction in the Pontifical States in 1824, confirmed the jurisdiction of the Bishops over schools in all that touches on doctrine, morals, and the teaching of the faith. Religious instruction, the orthodoxy of the schoolmasters, and moral discipline, are the three objects of the solicitude of the Church, and of the watchfulness of its Prelates.

Since Bishops cannot possibly in person exercise that manifold and continued watchfulness over schools of which there is clearly need, Leo XII. ordained that they should appoint a delegate for every communal school; and other delegates in every district to look after the masters and mistresses who keep private

schools. These delegates, and the three examiners for approving schoolmasters and schoolmistresses for their diplomas, are co-operators supplied to the Bishops in that department of their jurisdiction which concerns public and private instruction.

In execution of these regulations, a commission of deputies, under the presidence of a Deputy-General, keeps watch at Rome over all the elementary schools of the Diocese, both public and private. Permission to open schools is to be asked and obtained from the Cardinal Vicar. Three examiners, nominated by him, examine the proposed master. Before entering on his duties, he is to make the profession of faith of Pius IV. This he is to renew every year for the confirmation of his diploma.

Rules for the regulation of girl's schools were published in 1851. The number of those schools has of late years greatly increased, and it has become necessary to divide the superintendence of them among a greater number of ecclesiastical deputies. Twelve members of the Deputation have been specially nominated to watch over girl's schools. There is one in every parochial prefecture to look after all the schools within it. One or more female deputies are nominated in every parish, who concern themselves with incidental points of instruction,

in which the ecclesiastical deputies could not so well or so easily examine.

The schoolmistresses, as well as the schoolmasters, must have the permission of the Vicariate, and a diploma following on examination. This ordinarily takes place in presence of the deputy of the prefecture to which the schoolmistress belongs. The diploma is granted for a year. In order to obtain confirmation of the diploma, the schoolmistress sends it in December, along with a certificate of good conduct from the parish priest, to the female deputy. In January the diplomas, renewed for another year, are returned. Religious instruction being the first object of the schools, the schoolmistresses are by their example and exhortation to impress on their scholars the maxims and morals of the Gospel, to inspire them with horror of vice, to form their hearts to virtue, and to habituate them to frequentation of the Sacraments.

Leo XIII. in a letter to the Cardinal Vicar in 1879, without in any way innovating with regard to the Institutes under the direction of the Sacred Congregation of Studies, nominated a Commission of Prelates and Roman Nobles, to have supreme government and watchful care over all the schools in Rome, in which elementary and primary instruction is given; and to be, as it were, a common centre from which they

should all have oneness and increase. This Commission was to ascertain the existing condition of the schools, to enquire whether they were in number and accommodation sufficient for the numbers and needs of the young of both sexes, to see to the enlargement of schools, and to the opening of new schools, and that they should be provided with fit masters of known goodness of life and skill.

7.

Urban VIII. erected a Congregation consisting of several Cardinals and Prelates to watch over the observance of the decrees issued during the visitation of the churches, monasteries and other pious establishments of the Diocese of Rome. The Cardinal Vicar and his Vicegerent always form part of this Congregation. The Vicegerent is the executor of the decrees and resolutions of the Congregation. The Popes are in the habit of remitting to this Congregation the most important affairs of their episcopal charge, and especially such matters as cannot well be transacted before the tribunal of the Vicariate, and with *judicial* forms. This particular Congregation concerns itself simply with the Diocese of Rome, and in no way with the Universal Church, as do the other Sacred

Congregations. The Congregation itself does not make the visitation, but receives the Reports of the Visitors whom it sends to make it. It is very often a Cardinal of the Congregation, with Prelates to assist him, who makes the visitations within the City. The visitation of the surrounding district within the Diocese is generally entrusted to a Prelate. It is after the Reports have been given in, that General Edicts are issued by the Congregation. It issues also particular decrees, as do local Ordinaries in their pastoral visitations. By way of example of a General Edict, the Apostolic Visitation in 1625 bound confessors, under pain of suspension, to leave in the houses of the sick, for the information of the parish priest, a certificate that they had heard their confessions.

8.

The tribunal of the Vicariate of the Diocese of Rome is, like all ecclesiastical criminal tribunals, a collegiate body, and consists of five judges. These are the Cardinal Vicar, the Vicegerent, the Civil Lieutenant, and two Prelates as assessors. The Criminal Lieutenant is the Reporter of the causes, but has no vote. The jurisdiction of this tribunal extends to the boundaries of the adjacent dioceses. Appeals

from the sentences of this tribunal are taken to the Sacred Congregation of Bishops and Regulars, which is the tribunal of last resort in all ecclesiastical criminal causes. In the case of capital crimes, ecclesiastical tribunals confine themselves to declaration of degradation. This carries with it the punishment of death. The criminal is degraded, and is then delivered to the secular arm.

9.

The Prefects of the Clergy of the Diocese of Rome are certain Vicars Urban, whom the Cardinal Vicar sets over the different quarters of the City for the promotion of ecclesiastical discipline. They have to report to him on the state of the churches, observance of the decencies of divine worship, the conduct of ecclesiastics, confraternities, schoolmasters, hospitals, and the like. They form a Congregation.

The Chamberlain of the Clergy of the Diocese of Rome is elected every year by the canons and parish priests of Rome. The election is made in St. Peter's after the last procession of the Rogations. The Chamberlain is selected alternately from the canons and from the parish priests. He has occasion to exercise his office almost every day, since he has to give certificates

of being free to marry, and of being free to be ordained. He has an allowance from the casual revenues of the parochial benefices of the Diocese.

Another official who confirms the statutes of the Congregation of the parish priests of Rome has also the name of Chamberlain. This Congregation consists of parish priests or priests in cure of souls, six of them being seculars, and four regulars. One of them has the name of Chamberlain. This Congregation meets every year during the Octave of the Ascension, to discuss disputes about parochial jurisdiction; its object being to watch over and safeguard parochial rights. It has a common fund, formed by assessment of its members.

10.

When the Council of Trent ordered the foundation of Seminaries in all Dioceses, it had chiefly in view the gratuitous education of young clerics whose character and conduct gave good hope of their perpetual perseverance in ecclesiastical ministries. Among other conditions of admission the Council prescribed that the candidates should be born in lawful wedlock, and should be of not less than twelve years of age.

Thanks to the original foundation, and to

additions made thereto by Leo XII., the Roman Seminary receives gratuitously a certain number of students. The gratuitous places are alloted by competition; and the Cardinal Vicar gives public notice whenever a gratuitous place is vacant.

Pius IV., the founder of the Roman Seminary, endowed it for a hundred students; and the Pio Seminary, which is located in the same building, is endowed for seventy students chosen by competition. Both seminaries are exempt from parochial jurisdiction, and have their own cure of souls in the Rector of the Church of St. Apollinaris. The Roman Seminary and the Pio Seminary, distinct in all things else, have in common the Church and the Professors.

The Pio Seminary begins its course with Philosophy. Two years of Philosophy were prescribed by Pius IX., followed by four years of Theology, and three years of Canon and Civil Law.

In the first year of Philosophy, the Professor begins by teaching Logic, and thereafter the whole of Metaphysic, with Natural Theology, and knowledge of religion, along with arguments to demonstrate to unbelievers the possibility, the necessity, and the existence of revelation. In the second year he teaches Moral Philosophy, and thereafter the Law of Nations. He has two classes a day during those two years.

Dogmatic Theology, Moral Theology, Sacred Scripture, and Ecclesiastical History are the objects of study during the four years' course of Theology.

In the first year, is given the treatise on the Sources of Theology, a course of Sacred Scripture, and a course of Moral Theology. The course of Dogmatic Theology proper begins with the second year, and continues during the third and fourth years. Along therewith during the second year the students follow the course of Scripture and the course of Moral Theology. During the third year they have Moral Theology and Ecclesiastical History. In the fourth year, besides the two classes of Dogmatic Theology a day, they have a continuation of Ecclesiastical History. Hence the seminarists have one year for studying the Sources of Theology, and the Professor introduces them to some knowledge of the Fathers, and treats of the Church in its rights, prerogatives, authority, and constitution. The Dogmatic Theology lasts for three years, and occupies two Professors, each of whom has one class a day. The course of Sacred Scripture is for two years. The course of Moral Theology is for three years. Ecclesiastical History is taught during the last two years.

Since a course of Theology, such as is given

in the Roman Seminary, furnishes much which belongs to the science of Law, the course of Law is reduced to three years. During the first year are studied the Institutions of Canon Law, Civil and Criminal Law. The explanation of the Text, canonical and civil, takes the other two years. The course of Law is not of obligation for seminarists who have finished their Theology; but all must study the Institutions of Law for a year.

The Professors in the Seminary must be ecclesiastics. The Cardinal Vicar has the nomination of them, and the Pope approves his selection. They have to make the profession of faith of Pius IV. at the beginning of the scholastic year, in presence of the Cardinal Vicar, or of an ecclesiastical dignitary whom he designates. They lecture in Latin, except in the course of Natural Sciences, when the use of the vernacular is permitted.

Although the Regulations exhort the Professors to draw up their own courses, and these are lithographed, it is permitted to make use of a manual by some other author chosen with the counsel and approval of the Cardinal Vicar.

The Professors of Philosophy, Theology, and Law have assistants, who are called in the regulations *Academics*. Their functions consist in exercising the seminarists in academic

argumentations for half an hour a day, and in replacing the Professor in his absence from sickness or other cause. They, like the Professors, are nominated by the Cardinal Vicar, with the sanction of the Pope. They wear the costume of Professors. They have no fixed salary, but receive some remuneration while waiting for the vacancy of a Professor's chair. When that occurs, the services which they have rendered to the Seminary are taken into consideration.

The students of all the courses are examined at the end of January, and again at the end of April, in the subjects which they have been studying. The Cardinal Vicar fixes the days of examination. The examinations take place before professors whom he selects. The Rector of the Roman Seminary and the Rector of the Pio Seminary are present, and may act as judges. Towards the end of August there is a written composition in all the courses. After this the distribution of prizes takes place.

The Roman Seminary received from Leo XII. the privilege of conferring Degrees in Philosophy and in Theology on the students of the Seminary. In founding the Course of Law at the Appolinare Pius IX. in 1853 bestowed the privilege of granting Degrees in Law on both

the Roman Seminary and the Pio Seminary. These Degrees have all the privileges of the same Degrees in public Universities. This fact is to be kept in view, since the ordinary rule is that Degrees received outside Universities are not sufficient in the case of dignities which require possession of the Degree 'of Licentiate 'or of Doctor in some public University.'

The Roman Seminary gives the Baccalaureate or Bachelorship of Philosophy at the end of the first year—the Licentiate at the end of the second year—and the Doctorate some days after the Licentiate at the end of an oral and written examination.

The Bachelorship in Theology is given at the end of the first year, the Licentiate at the end of the third year, and the Doctorate or *Laurea* at the end of the fourth year. The same method is followed in giving Degrees in Canon and Civil Law.

The Professors at the Roman Seminary are not the only examiners for these Degrees. Three other Professors, who are strangers, give their votes in secret scrutiny on the oral examinations and written compositions. All who receive the Bachelorship, the Licentiate, or the Doctorate, make on each occasion the profession of faith of Pius IV.

Learning, and even sacred learning, is not

the one and only end of a Seminary. The young cleric must be formed to piety and other ecclesiastical virtues. A Spiritual Retreat at the beginning of the scholastic year, conferences, instructions, and other exercises are prescribed by the Statutes of the Roman Seminary. After three fruitless admonitions for neglect of piety, prayer, study, and the ceremonies of the Church a student is expelled.

II.

Romans who present themselves for tonsure must bring with them certificates of their baptism, their confirmation, and the marriage of their parents. The last is to prove the legitimacy of their birth. The candidate must not be an only son. The practice at Rome is not to admit only sons, without special dispensation by the Cardinal Vicar.

If by chance a candidate has been born outside the Diocese of Rome, although his parents were Romans, he must bring Letters Testimonial from the Ordinary of the place of his birth, certifying to his birth there, and to his life and conduct, if he has been living there long enough to be capable of contracting any canonical impediment. As he who is by chance born outside Rome does not cease thereby to be a

Roman subject, so he who by chance is born in Rome does not become thereby a subject of the Cardinal Vicar, so far as Ordination is concerned. The ancient discipline took more account of baptism than of birth in determining the place of origin as regards Ordination. In the modern discipline baptism does not give right of *origin*. It depends on the father's domicile at the date of his son's birth. If the father had then no domicile, the father's birth-place determines his son's *origin*.

Although by the Canons, Bishops have faculty to dispense illegitimate children for Tonsure and Minor Orders, the Cardinal Vicar is not in the habit of admitting them without Apostolic dispensation.

Neophytes are *irregular*, and cannot receive Orders, or even Tonsure, without dispensation from the Holy See. It is to be obtained from the Sacred Congregation of the Holy Office. It is granted at first for Minor Orders only, and there must be another dispensation for Sacred Orders. Once dispensed from this irregularity, the neophyte can receive Orders from the Bishop of the place where he was baptised. Although the descendants of converted Jews are not irregular in virtue of common law, yet in Portugal the Bulls of Sixtus V. and Clement VIII. forbid them to be raised to Holy Orders. Candidates

must therefore prove that they are not descended from Jewish families.

Patrimony is not required by common law until the Subdiaconate, but the usage in Rome is to require it for Roman clerics before Tonsure. The candidate must prove that he is provided with a patrimony, or that he has at least a well-grounded expectation of by and by receiving a *title* for Ordination. The patrimony required in the Diocese of Rome for Sacred Orders is an annual income of sixty scudi, and for Tonsure the half of that amount. Sometimes by special favour, and for just and lawful reasons, an undertaking of alimentary provision by the parents is held sufficient.

In conformity with the Council of Trent candidates for Tonsure are to be examined with regard to their vocation; and as a Roman Council in 1725 prescribes that no one shall be given the first clerical tonsure unless the necessity or advantage of the Church requires it, the examiners must satisfy themselves of the vocation of the candidate, and the intentions which animate him, and that it is in order to serve God faithfully that he wishes to embrace the clerical state.

For Tonsure and the Minor Orders there is not exacted in the Diocese of Rome the spiritual retreat of ten days which Alexander VII.

prescribed for the Sacred Orders. For a long time, however, the usage has been that those who are to receive Tonsure or Minor Orders should attend instructions given for five days.

Canonists do not approve of bestowing Tonsure and the four Minor Orders at the same time. Innocent XI. in 1676 expressly forbade it. He permitted only two Minor Orders to be given along with Tonsure. Benedict XIII. in an ordination at the Lateran in 1725, and just before the ordination, prescribed that Tonsure was to be given by itself, and forbade Minor Orders to be given on the same day with it to either seculars or regulars. This rule has always since been observed. He prescribed also on the same occasion that Tonsure should be given to the regulars before the seculars; and this on the ground that regulars are already true ecclesiastics, while untonsured seculars are as yet simply laymen. In conferring both Minor Orders and Sacred Orders, however, the seculars are always ordained before the regulars.

Since members of Congregations which make only simple vows belong to the secular clergy, they are ordained before the regulars, and immediately after the other seculars. As regards the precedence at ordinations among the regulars themselves, Canons Regular and Clerks Regular are ordained before Monks, and the Monks

before the Friars or Mendicants. Religious bodies of the same class follow the historical order in the foundation of their Institutes.

Candidates for Minor Orders in the Diocese of Rome must bring with them their Letters of Tonsure, or of the last Order which they have received. To receive Minor Orders without having been tonsured is *ipso facto* to incur suspension. No certain age is prescribed by the canons for Minor Orders. By ancient practice in the Diocese of Rome, however, an acolyte must be at least twelve years of age. The Roman Council of 1725 prescribed that candidates for Minor Orders are to bring a certificate that they have been for some time in the habit of receiving Holy Communion once a fortnight, besides on great feasts. They must know Latin. At Rome the method of St. Charles Borromeo is observed, and they have to translate some of the historical lessons of the Second Nocturn in the Roman Breviary. They are also examined in matters which concern the Minor Orders.

A candidate for the sub-diaconate in the Diocese of Rome must present a certificate of his baptism, to prove that he is twenty-two years of age, as the Council of Trent requires. He must also have a *title* for ordination, that is to

say, a benefice which is sufficient for him to live on. The rule at Rome is, as we have seen, that the annual income must be at least sixty scudi. The benefice or chaplaincy, to be a lawful title for ordination, must be perpetual. A chaplaincy, of which the holder is removable at will, is not admitted. He must also be in unquestioned possession of the benefice. Nomination to a benefice, or presentation, or even institution to it is not sufficient. The practice at the Vicariate is that the candidate, after presenting at the Secretariate his documents to show that he has been instituted to the benefice and has taken possession of it, should prove by means of witnesses or public records that the revenue of it is of the amount prescribed. On the case being referred to the Cardinal Vicar, he issues a Decree, which is kept along with all the documents in the Secretariate of the Vicariate, to preserve proof of the legality and sufficiency of the title. The title cannot be resigned or abandoned without, at any rate, another title being substituted for it. He who presumes to do so without permission sins grievously. Although he does not *ipso facto* incur suspension, the Bishop has power to suspend him until he has recovered his title for ordination.

In default of a benefice the Council of Trent

permits ordination on the title of patrimony or of pension, if the necessity or advantage of the Church requires it. This there always is if the candidate is a man of education, and of exemplary conduct. Formerly in the Diocese of Rome, the title of patrimony was not admitted without special commission from the Pope. Innocent XI. reserved this to himself as regards Romans; but Clement XIII. communicated it to the Cardinal Vicar. The patrimony is settled on the candidate before one of the four Notaries of the Vicariate, and the deed of settlement is approved as in the case of a benefice. To fabricate a patrimony with a secret agreement not to demand the patrimony, or to return the patrimony after ordination, is held to be fraud. If the patrimony is wholly or in great part fictitious, the cleric is suspended, and the Ordinary is not bound to support him. This obligation is incurred only by an Ordinary who knowingly ordains without title. Patrimony, like a benefice, must not be alienated.

The Council of Trent prescribes that an entire year shall elapse between the Order of Acolyte and the Sub-diaconate. It leaves the interstices or intervals of time between the Minor Orders to the prudence of the Bishop; but determines the time for the Sub-diaconate, and limits dispensation to reasons of necessity

or advantage to the Church. These reasons may be either dearth of ministers, or an obligation to celebrate resulting from possession of a benefice which demands this, or pre-eminent qualities of a candidate, or the like.

The Sub-diaconate, like the Minor Orders, requires a certificate of habitual communion once a fortnight. The candidate must also have given himself to the study of Theology for one whole year. The Roman Council of 1725 bound secular clerics to live in the Seminary for six months before Sacred Orders. A decree of the Congregation of Prefects, however, in the same year, mitigated the rigour of this statute for the Diocese of Rome, and in favour of those whom special obligations bound to residence elsewhere. It imposed only one month of sojourn in the seminary, along with five months of assiduous attendance at the Tuesday conferences held at the Mission House, and the Wednesday conferences held at the Professed House of the Gesu, as well as at instructions on Liturgy and Moral Theology which are given in several religious houses. The same Decree maintained the Statute of the Roman Council in the case of those not bound to residence elsewhere, with the obligation of passing six months in the Seminary before Sacred Orders, except in special cases which might

demand a dispensation of three months. The obligation to residence for at least three months in the Seminary, or in the House of the Mission, or at any rate in some seminary, even if outside the city, extends even to those ecclesiastics whom the Cardinal Vicar ordains without Letters Dimissorial from their own Bishop, and in virtue of a Rescript obtained from the Pope, or from some one of the Sacred Congregations; unless exception from this obligation has been made in the Rescript itself.

All candidates for Sacred Orders are liable to examination on the Council of Trent, or on the Roman Catechism, or on the Letters of St. Jerome, &c. They are examined also on the Order which they desire to receive, its matter, form, obligations, &c., and in the treatises of Theology or Canon Law which they have studied. However satisfactory an examination may be, it nevertheless does not exempt the candidate from furnishing certificates of having passed the years of study demanded for the various Orders. If the candidate for Orders should happen to be a Prelate, this will not exempt him from the examinations; but in consideration of his dignity he will during his examination be seated with the examiners.

The Council of Trent prescribed the giving of public notice in the parish churches of the

candidates for Ordination, but did not fix the number of these announcements. The usage in the Diocese of Rome is to make them three times, on three days of obligation, both in the parish church of the candidate, and in the Basilica of St. John Lateran. The Cardinal Vicar and the Vicegerent have power to dispense from two of these notices.

Alexander VII. prescribed for the Diocese of Rome ten days of Spiritual Retreat before each of the Sacred Orders. There is no instance on record of dispensation from this obligation as regards the Subdiaconate and the Priesthood. For the Diaconate a Rescript obtained from the Pope sometimes dispenses those who have secured a Brief permitting them to be ordained outside the Ember-days. The students of the Apostolic Colleges in Rome who are ordained 'on the title of the *mission*' make their ten days' Retreat in their own Colleges; and not in the House of the Priests of the Mission as Alexander VII. prescribed.

Regulars, who have to make the same Retreat before each of the Sacred Orders, in conformity with the Encyclicals of Innocent XI. and Clement XI., make it in their monasteries. Clement XI. granted in 1710 to the Ordinaries of Italy and the adjacent islands a plenary indulgence for the candidates for ordination, and

generally for all ecclesiastics, who make ten days of Spiritual Exercises.

12.

The Dimissorial Letters of strangers who wish to be ordained in Rome must set forth the reasons for which they are not to be ordained by their own Bishop, along with approbation of the title for ordination. For strangers to be ordained in Rome without Dimissorial Letters, and on the ground of domicile, there must be intention to remain there in perpetuity, and either actual residence for ten years, or transference of the greater part of their property to Rome, along with residence there for three years. Clerics who have entered on possession of a benefice or perpetual chaplaincy can be ordained in Rome without Dimissorial Letters from the Bishop of their birthplace; but they must have from him testimonials as to their birth, age, and manner of life and conduct.

Regulars must present Dimissorial Letters from their superiors. These are to be addressed, not to any Catholic Bishop whomsoever, but to the Cardinal Vicar alone.

The Apostolic Colleges of Rome have the privilege of their students being ordained outside the ordinary times of ordination, without

Dimissorial Letters, and on the 'title of the 'mission.' Gregory XIII. granted this privilege to the students of the German College; and Clement X. dispensed them from the public notices at St. John Lateran and the parish church. For these students it is sufficient that the coming ordinations should be announced in the church of their College. The English College, the Scots College, and the Irish College, participate in these privileges in virtue of an Indult of Innocent XI. The English College obtained a grant from Gregory XIII., which was confirmed by Paul V., for its students to be ordained outside the usual times of ordination, with leave of their Cardinal Protector, and consent of their Rector, without title of benefice or patrimony; and without Dimissorial Letters from their Ordinaries. The privileges of the Scots College, in accordance with the Constitutions of Clement VIII. and Paul V., are the same. The Irish College has substantially the same privileges from the Constitution of Urban VIII., but in terms which are somewhat different. The Indult for ordination outside the usual times is expressly given for three consecutive feasts; and the title of benefice or patrimony is formally commuted into the 'title of the mission in 'Ireland.'

The students at the College of the Propaganda

have the privilege of being ordained on the title of the mission, without Dimissorial Letters, and outside the usual times of ordination, so that they can receive the three Sacred Orders on three consecutive feasts. They must, however, have lived in the College for three years.

Furnished with Dimissorial Letters from the Sacred Congregation of Propaganda, and having been examined by the Cardinal Vicar, and with his permission, Oriental students of the College of the Propaganda may be ordained, if Greeks, by any Catholic Bishop whomsoever of the Greek rite, and the others by a Bishop of their own rite.

Besides the Propaganda there are in Rome several other Houses or Colleges for the education of clerics of the various rites of the Eastern churches. The Maronites have a College and Monastery, near the Church of St. Peter's Chains, for twelve Antonine monks of the Congregation of Lebanon. The Syrians had formerly a college near St. Mary Major's, called St. Mary of Health, and under Propaganda. The Copts have the national Hospice of St. Stephen of the Moors, near the Vatican Basilica. It is there that the Catholic Ethiopians are received who come to Rome. The Armenians have two establishments, one near the Propaganda, and another near the Colosseum; besides

the places reserved for them in the Propaganda College.

With the exception of the Maronites, who are presented to the Cardinal Vicar for Orders by the Cardinal Protector of the College or Monastery, with the consent of the Rector or Abbot, the Orientals are ordained with Dimissorial Letters from the Sacred Congregation of Propaganda, and without Dimissorial Letters from their Ordinaries, and also without a title of patrimony or benefice. The Maronites are ordained by a Bishop of their own rite, if there should be one in Rome; and otherwise by a Bishop of the Syriac rite, or by a Latin Bishop expressly authorized for this purpose. Similarly, candidates for ordination of the Syriac rite are, in default of a Bishop of their own rite, ordained by a Maronite Bishop. The Copts receive Orders from a Bishop designated by the Holy See on each occasion. An Armenian Bishop is resident in Rome, and by him the Armenians are ordained, with Dimissorial Letters from Propaganda, and after examination, and with the permission of the Cardinal Vicar.

13.

Exemption from parochial jurisdiction is founded chiefly on two titles, either on common law

or on a particular privilege, which is an exception or exemption from general law. In virtue of common law, regulars, of both sexes, who make *solemn* vows are exempt from parochial jurisdiction. Secular establishments, seminaries, colleges, hospitals, communities of orphans, associations of pious schoolmistresses, and similar institutions, cannot pretend to exemption from parochial jurisdiction, unless they can exhibit an Apostolic Privilege. We have an instance of such a privilege in the case of St. Michael's Hospital in Rome, which Leo XII. expressly exempted from parochial jurisdiction. He gave all rights over the orphans and children to a priest nominated by the Cardinal Protectors.

Even exemption from parochial jurisdiction leaves, however, certain faculties to the parish priest. Superiors of religious houses, of either sex, cannot refuse to the parish priest, if he demands it, a note once a year of all the persons who are living in those houses. This obligation extends to the administrators of hospitals, and to the rectors of colleges. The Sacred Congregation of the Apostolic Visitation ordained that they should send to the parish priest, during the week following Low Sunday, a note of the number of persons in their hospitals or colleges, with their names and surnames, and with mention of those who had made their

Easter communion, and those who had been confirmed.

Exempt hospitals in the Diocese of Rome are free from all funeral dues, so that the parish priests cannot derive any emolument on occasion of persons who die in them. Conservatories, and the pious persons who are living in them, are not exempt from parochial rights; unless they can exhibit a formal Apostolic Privilege. The general name of *Conservatories* designates in Rome every community formed, without Papal enclosure and solemn vows, for purposes of temporal and spiritual charity towards the women and children whom it receives.

14.

Before the time of Leo XII. the parish churches of Rome did not all have baptismal fonts. In 1824, that Pontiff granted possession and use of fonts to all the parishes, and ordered the cost of them to be defrayed from the public treasury. He abolished in consequence the obligation of those in cure of souls at *affiliated* churches to attend in the mother Church at the blessing of the baptismal font on Holy Saturday and on the Vigil of Pentecost. In place of this he imposed on them the annual offering of a wax candle of three pounds weight to the mother-church on the day of its Titular feast.

Desirous of bettering the lot of the parish priests of his diocese, in conformity with the exhortation of St. Paul to St. Timothy—'Let 'the priests that rule well be esteemed worthy of 'double honour, especially they who labour in 'the Word and Doctrine, for the Scripture saith, 'Thou shalt not muzzle the ox that treadeth 'out the corn,' and, 'The labourer is worthy of 'his hire'—Leo XII. recognised the necessity of increasing the income of the secular parish priests. There was not the same necessity in the case of regulars who were parish priests, since these depended for their support on the communites to which they belonged. He made a general regulation that every secular parish priest should have an annual income of three hundred scudi besides the casual revenues of his parochial benefice, and thirty-six scudi for certain incidental expenses connected therewith. If the foundation should be insufficient to produce this annual income, the deficiency was to be supplied from the public treasury. That nothing should be lacking to the 'double honour' of St. Paul, Leo XII. ordained that in all Basilicas, and Collegiate Churches in which there are Chapters, the first vacant canonry should be given to the priest of the parish and his successors for ever. In the three patriarchal Basilicas of St. John Lateran

St. Mary Major and St. Peter, the parish priests have their prebends as beneficiaries, and not as Canons. In the Lesser Basilicas, and Collegiate Churches, they have canonries, and sit among those of the Canons who are priests, with all the rights, privileges, prerogatives and revenues of Canons of the Order; and this even if their parochial duties hinder them from attendance in choir. If the prebends of those canonries did not amount to three hundred scudi a year. the deficit was to be made up from the public treasury.

Every parish church in Rome has its presbytery, in which the parish priest resides; since, as Leo XII. declared, it is of the utmost importance that the parish priest should be continually looking after his church and flock. The presbyteries ought to be near at hand, and large enough to lodge the parish priest, his vicar, and the sacristan, who ought also to live there. The maintenance of the vicar and the sacristan is supplied from the public treasury if the endowment is not sufficient to furnish it. Leo XII. ordained also that the public treasury should be charged with the extinction of all the debts which burdened both old and new parochial benefices.

This general reconstitution of the parochial system in Rome necessitated many temporary arrangements. The Cardinal Vicar had per-

mission for a year to make all changes in the boundaries of parishes which were required for the benefit of the population. Faculty was also given to him to form succursal parishes where the distance from the parish church, or the extent of the parish, made it advisable to erect another church and place in it a vicar to administer the sacraments, and attend to the sick. These extraordinary faculties being given for a year came to an end in 1825, and from that date every change in the state and boundaries of the parishes of Rome is reserved to the Pope. These vicars or chaplains in cure of souls in succursal churches were not irremoveable. It is true that Leo XII. abolished all moveable parish priests who held their benefices at will, and ordained that in future every parish should be governed by a parish priest with the name and rights of an archpriest, rector, or perpetual vicar, according to the varying conditions of the churches in question; so that the priests appointed to them should be held to have the title, or ground of right, truly and properly so-called, of a benefice with cure of souls, from which they cannot be removed except for causes recognised by canon law. This is not, however, the case of vicars who administer the sacraments in a succursal church which is dependent on the parish church. This vicar exercises cure of souls

in the name of the rector of that church, and with dependence on him, and he is removeable at his pleasure. In suppressing moveable parish priests Leo XII. was only following in the footsteps of St. Pius V., who erected eleven *perpetual* vicarages in parishes in which the cure of souls belonged to chapters. It is clear, from a decision of the Sacred Congregation of the Council in 1894, that in our own day coadjutors of the principal parish priest act in his name when they do acts of parochial jurisdiction in churches of ease, erected for the greater convenience of the people, and in aid of the mother church. He who has not proper parochial jurisdiction cannot exercise in his own name any parochial rights or privileges granted by the sacred canons, or acquired by legitimate prescription. To be a parish priest, properly so-called, a priest must govern in his own name a parochial benefice, with a parochial people *of his own*, entirely distinct from other parochial peoples.

In the old parishes of the Diocese of Rome privileges and covenants sanctioned by Apostolic authority, and the decisions of Sacred Congregations, had regulated the sharing of emoluments from funerals between parish priests and chapters or monasteries. Leo XII. had no desire to interfere with these arrangements, and confirmed all customs of a century. In the case

of new parishes, he allotted one-half of the greater emoluments to the corporation, to indemnify it for costs caused to it on account of the presbytery and sacristy. The other half was left for the parish priests, along with the minor emoluments, and the offerings made on occasion of churchings, and the blessing of houses on Holy Saturday.

15.

To secure the preservation of ancient parochial records, Leo XII. ordered them to be removed to the Secretariate of the Vicariate. He prescribed the establishment of General Archives for the safe keeping of the Registers of Baptisms, Marriages and Deaths. The Registers of all the parishes in Rome were to be transmitted once a year to the General Archives.

The Parish priests of the Diocese of Rome are bound to register baptisms, marriages and deaths, within three days of their taking place, under pain of suspension, incurred *ipso facto*, and reserved to the Cardinal Vicar. This order was given in 1778, and it was directed to be inscribed at the top of every register. The importance of the order is testified to by the fact that censures, and especially censures to be incurred *ipso facto*, are of very rare occurrence in the statutes of the Cardinal Vicar.

Since secret marriages, or 'marriages of 'conscience,' as they are commonly called, ought not to appear in the public register, the parish priest is to draw up a document, written and signed with his own hand, and to transmit it at once, without delay, and with all precautions for the keeping of the secret, to the secretary of the Vicariate. This certificate the secretary himself will forthwith copy with his own hand, and without the knowledge of his assistant secretaries, into a special register which he keeps under lock and key. This register of secret marriages he will not produce at the request of any one; and he cannot give an extract from it without authority in writing from either the Cardinal Vicar or the Vicegerent. This register supplies authentic proof that the secret marriage has in reality taken place.

Besides these registers the parish priests of the Diocese of Rome are to keep what the Roman ritual calls a *Status animarum*, or record of the souls committed to their pastoral charge. Those who have cure of souls are bound by divine precept, says the Council of Trent, to have knowledge of their flocks, and of all the families and individuals who compose them, with their ages and circumstances. The record of these must be kept up to date, since the

population of many parishes is continually varying, some persons leaving the parish, and others acquiring therein a domicile. The usual practice in Rome is to collect these statistics towards the middle of Lent; a time when the parish priests are in the habit of visiting the houses of all their parishioners and of writing down the names, surnames, and ages of all the members of the family, including the strangers within their gates. A space is left between each record of a family for adding in the course of the year those who have entered the family by marriage or as domestic servants. Those who have been admitted to Communion are marked on the margin with *C.*, those who have been confirmed with *Chr.* Parish priests are recommended also to make a note of those who are capable of being confirmed. They are likewise to find out the number of children who are of an age to make their first confession, or their first communion. This was ordered by Benedict XIV.

There is a fifth register to be kept by the parish priests of the Diocese of Rome, which contains a list of the canonical admonitions which the parish priest has had to make, in fulfilment of his duty, to persons, both man and woman, who are living in scandalous relations, along with the dates of those admonitions. This

register is to be kept private. Eight days after the first canonical admonition, if it has been without effect, a second admonition is to be made and recorded; and if the scandalous relation still continues, there is to be a third admonition. If this also is fruitless, the parish priest is to give information of the case to the Tribunal of the Vicariate, and to send to the lieutenant a certificate of the three admonitions, with the dates of them. The lieutenant will report the case to the weekly congress in order to further procedure.

Other admonitions with regard to habitual and scandalous quarrelling between husband and wife, or between brothers and sisters, or with regard to neglect by parents of the education and training of their children, and negligence in attendance at religious instructions, and the like, are left to the prudence of the parish priest, as regards steps to be taken after failure of his paternal admonitions. An Instruction on this subject was ordered by the Cardinal Vicar in 1817 to be preserved by parish priests in the Register of Canonical Admonitions.

In the case of Parochial Registers being destroyed by fire, to the damage of the public interest, it was prescribed by the Cardinal Vicar in 1717, under precept of holy obedience reserved

to himself, that persons of every state, degree, and condition should give information of all baptisms, marriages and deaths, of which they had actual knowledge, to the Notary of the tribunal of the Vicariate. All fraud and imposition in this matter, by knowingly and maliciously giving false information, entailed excommunication incurred *ipso facto* and reserved to the Pope.

The Parish priests of the Diocese of Rome are free to nominate their vicars. These must, however, obtain the approbation of the Cardinal Vicar, and of his examiners for cure of souls. The diploma of a simple confessor is not sufficient. The programme of the examination of a vicar is more extensive. When there are more than a thousand souls in a parish, the Parish priest is bound to have a vicar. The Parish priest is not, however, to hand over to others that which he is able to do in person. His aptitude for his office was the reason of the bestowal of it. Parish priests cannot hand over to others the office of administration of baptism without the permission of the Cardinal Vicar.

Besides the Parish priest and his vicar, or vice-parish priest, the parishes of Rome have at least two priests attached to them as parochial confessors. These also give their services at mass and office on days of obligation. The

parochial confessors are not bound to reside in the presbytery, and they do not take part in matters of external administration.

16.

Preaching, catechism, and missions are the three great means established in the Church for the instruction of the faithful in religious knowledge. The Council of Trent ordained that Parish priests should give instruction to their people on every Sunday and solemn feast. To give catechism does not wholly fulfil the precept. The Council draws a distinction between the one obligation and the other. Instruction is for adults, catechism is for children. The Council expressly prescribes *preaching*, that is, instruction for the people; *and Christian doctrine*, that is, catechism for the children. During the pontificate of Benedict XIV., in 1743, the Cardinal Vicar pointed out that the expressions of the Council are *preceptive*, and not merely instructive or hortatory. He also imposed the fine of a scudo (4s.) for the benefit of the Archconfraternity of Christian Doctrine, on parish priests every time they neglect to give catechism on Sunday. The parish priests are either in person or, if lawfully hindered, by means of capable ministers to instruct the faithful briefly, and in

a simple and intelligible style, after the Gospel in the parochial mass, on the virtues which they ought to practise, and the vices which they ought to avoid, or to explain to them some passage of the Epistle or Gospel, or the sacraments, or the effects of the sacrifice of the mass. The parochial mass is to be said at a convenient hour, and the bell for it is to be so rung as to distinguish this mass from other masses. The Cardinal Vicars have exacted the same observance in the rural chapels which, without being parochial, exist in the country districts of the Diocese of Rome. The peasants of the Campagna are particularly to be taught the sign of the cross, the mysteries of the Trinity and the Incarnation, the Lord's Prayer, the Angelic Salutation, or Hail Mary, the precepts of the Decalogue, and the commandments of the Church. If the rural chaplains do not bring a certificate from the priest of the parish in which the oratory is situated, that they have fulfilled this obligation, their permission to say mass will not be renewed.

Rome contains a great number of confraternities. Each of these has its own chapel, in which the members assemble on Sundays and holidays to recite the Office of the Blessed Virgin, and to hear mass. Benedict XIV.

prescribed that instructions also should be given at their meetings.

The Lateran Council under Leo X. made it a duty for all schoolmasters to teach religion to their scholars, and forbade them to teach anything else on feast days.

Benedict XIV. ordained that in monasteries of nuns catechism should be regularly given to the boarders, novices, and lay sisters of each house.

Lenten catechisms were another institution of Benedict XIV. in his Diocese. They are on Penance and the Eucharist. The object of them is to prepare the faithful to make their Easter well. They are held every year, not in all the parish churches, but in certain churches which are designated by the Cardinal Vicar. The Lenten catechisms usually last for eight days. In 1817, dispensation from the Lenten abstinence being then of recent introduction, for Lent was observed at Rome in all its rigour up to 1815, the Cardinal Vicar of Pius VII. exhorted the faithful to make compensation for the relief by almsgiving, by works of piety, and above all by *assiduity at the Lenten catechisms*. He granted an indulgence of a hundred days for every attendance; and a plenary indulgence at the Paschal communion to every one who had attended five times.

Missions are another means of instructing the faithful in religion. The practice in Rome is to have missions every year in several churches. There are usually two exercises a day, morning and evening. Benedict XIV., on occasion of a mission given for the benefit of all the quarters of the city by Blessed Leonard of Port Maurice, forbade all public houses and cafés to be open during the evening exercise. Several houses, moreover, exist in Rome for the making of retreats. These are open to both rich and poor.

17.

Edicts of the Vicariate forbid baptism to be delayed in the Diocese of Rome beyond three days from the birth of the child; and forbid private baptism, except in case of necessity, that is to say, when the child is in danger of death.

The consent of ecclesiastical authority is required in Rome for the profession of a midwife. She must be a woman of respectability, and must know how to baptize infants in cases of necessity. A certificate on both points, obtained from her parish priest, and which he supplies gratuitously, is presented at the Vicariate; and on this certificate she, also gratuitously, receives a patent to practise for a determinate period. This patent is renewed from time to time on a

fresh certificate from the parish priest. Transgression of this law of the Vicariate, made in 1677, and renewed in 1699, is punished by a fine of twenty-five scudi (£5) for the benefit of pious establishments, as well as by other penalties at the discretion of the Cardinal Vicar.

Confirmation is given with solemnity at the Basilica of St. John Lateran on the Monday and Tuesday of Pentecost, and on the Sundays and feasts, with certain exceptions, of July and August. At these times confirmation cannot be given elsewhere in Rome; except in cases of necessity. The Vatican Basilica has, however, the privilege of administering confirmation during the Octave of St. Peter.

A certificate of good dispositions and fitness for confirmation is required from the parish priest. He has to give notice at the Vicariate of those who neglect to receive this sacrament, and who give no heed to his exhortations to prepare for it.

Children under seven years of age are not admitted to confirmation, without express permission from the Cardinal Vicar. Boys must be provided with a Godfather, and girls with a Godmother. These are not to have been their God parents in baptism. The age required for Godparents is fourteen years at least, and they ought

to have fulfilled their Easter duty. Ecclesiastics in sacred orders, and religious, are not admitted as Godparents.

18.

Parish priests receive, in canonical institution to their office, power to hear confessions, and this is unlimited in point of time. It is of the essence of the parochial office to have jurisdiction in the court of conscience; and the administration of the sacrament of penance necessarily demands this. Hence this jurisdiction is *ordinary* in Parish priests; inasmuch as it is by law attached to their office. When a priest therefore is instituted to a parochial benefice there is thereby conferred on him jurisdiction in the court of conscience over his own parishioners. The practice of the Vicariate is not to give to those priests in the Diocese of Rome who are not Parish priests power to hear confessions for any lengthened period of time. Confessors who have passed the three examinations required by edicts of the Vicariate, receive their diplomas to hear confessions for one year only. They have to renew this diploma every year. Provincials and Procurators General of Religious bodies are approved for hearing confessions in the Diocese of Rome for one year only. It is only Generals

of Religious orders who are approved either for *three years*, or with the formula 'at Our pleasure.' The Cardinal Vicar, however, himself signs their diplomas, while diplomas for a year only are signed by the Vicegerent. The parochial vicar or vice-parish priest, and the two parochial confessors, have their diplomas for a year only. Parish priests alone have at Rome power for life to hear confessions.

The powers of confessors in the Diocese of Rome are limited also with regard to place. Very often they can hear confessions validly only in one or more churches in Rome designated in their diplomas. Confessors approved by the Cardinal Vicar can hear confessions in all the Hospitals of Rome, not only of sick persons, but also of persons attached to the hospital. Parish priests can hear confessions in the city or town in which their parochial benefice is situated; but they cannot hear confessions all over the Diocese.

There are only two cases of sin reserved to the Cardinal Vicar. These are non-fulfilment of the Easter precept, and the excommunication incurred *ipso facto* by those who either give to or receive from others a certificate of Easter Communion, in order to deceive the parish priest. Although the first of these reservations is incurred at once by those who do not make their Easter Communion within the fortnight which

includes Palm Sunday and Low Sunday, after which simple confessors have no power to absolve them; yet, since the time of Innocent XI. the parish priests of Rome have, by grant of the Cardinal Vicar, power to absolve their own parishioners from the reserved sin, and from the interdict in the court of conscience, up to and including the feast of the Ascension.

Another prerogative of the parish priests of the Diocese of Rome with regard to confession is that all confessors, without exception, both secular and regular, who have heard the confession of a sick person, are bound to give information of this fact to the parish priest, by leaving a note of it in the house of the sick person. Regulars, although they are bound to give this notice, have no need of the previous *permission* of the parish priest to hear the confessions of the sick.

19.

The rights of parochial churches in the Diocese of Rome, as regards the Eucharist, consist in four things: The sacred canons permit reservation of the Blessed Sacrament in the tabernacle of the parish church. With the exception of the Basilicas, and those churches of regulars which are exempt from all parochial

jurisdiction, reservation is in all other churches and chapels lawful not by common law, but in virtue only of an Apostolic Indult. Secondly, on Easter Sunday communion cannot be given to seculars elsewhere than in the parish church. Thirdly, the faithful do not fulfil the Easter precept by communicating elsewhere than in their parish church. Fourthly, parish priests alone have the privilege of carrying the Viaticum to their dying parishioners.

In the Diocese of Rome the prohibition to give communion to seculars elsewhere than in parish churches comprehends not only Easter Sunday, but also Maundy Thursday. Those of the secular clergy who do not say mass on that day go to communion in their own parish church. They cannot communicate in any other church without special permission.

The Cardinal Vicar is in the habit of publishing every year, a little before Holy Week, an Edict forbidding all priests to say low masses on Maundy Thursday, Good Friday, and Holy Saturday—or to say any other than the conventual mass in churches where there are the ceremonies of Holy Week.

The administration of Viaticum, and the administration of Extreme Unction, are rights which are exclusively parochial.

In Rome the Blessed Sacrament is accom-

panied with most pious solemnity when carried by the parish priests to the sick, either by way of Viaticum, or for their fulfilment of the Easter duty, An association for accompanying the Blessed Sacrament on those occasions has been most richly endowed with Indulgences.

The decree of the Council of Trent which made clandestinity an impediment which nullifies matrimony was published in Rome perhaps sooner than in any other part of the Christian world. The Council was scarcely closed before the Cardinal Vicar ordered the publication of this decree in every parish of the Diocese of Rome.

All matrimonial causes in Rome belong in the first instance exclusively to the tribunal of the Cardinal Vicar.

Parish priests in Rome have orders to refuse Easter Communion to married persons who are living entirely separate, of their own accord and without lawful cause, approved by the Cardinal Vicar, or by the Vicegerent.

Celebration of marriages in Rome requires, besides previous proclamation of banns, the permission of ecclesiastical authority in every case. This is given after enquiry into the parties being free to marry, and into their consent and dispositions, and sufficient instruction in the principles of the faith.

The care and relief of the poor in their necessities, both spiritual and temporal, is one of the obligations of parish priests in Rome. Besides alms which they may be able to give from the fruits of their prebends, and other sources of income, they distribute money given to them for the poor of their parishes. There are in Rome several conservatories and asylums for the orphan poor which the parish priests of the city have established at their own expense.

There is, for instance, the Conservatory of the Assumption, in the Piazza di San Callisto. Founded under Clement IX., enriched with privileges by Clement X. and Innocent XI., and reorganized under Benedict XIV., it was re-opened in 1807 through the zeal of the parish priests of Rome in their appeal to the charitable. The admission of orphans, and the general administration of the establishment, belongs to a private congregation formed among the members of the college of parish priests, in conformity with their statutes. It is an instance of the advantage which results from the union of all the parish priests of Rome in a college; that is to say, in a congregation or corporation.

In visiting the sick, and, in assisting the dying, the parish priests of Rome have ever faithfully done their duty. Hence there has never been

necessity for any special law to enforce this obligation. The Roman Ritual has proved sufficient. The Ritual does not permit the parish priest, as soon as he has administered Extreme Unction, to make the commendation of the departing soul, unless death is imminent. He is directed to warn the household to let him know when the sick man becomes worse or is entering on his agony; and he is bound to return at once when he is informed that death is at hand. Catalani, commenting on the Roman Ritual, says that the parish priest is bound *of justice*, and not merely of charity, to assist the sick of his parish, and especially by the commendation of their souls; and that those parish priests sin mortally who, when they have ministered the sacraments to the sick, and especially to the sick poor, see their faces no more till they are brought dead to the parish church. Every priest, observes Gavantus, has faculty to commend souls to God at the moment of death; and it is for this reason that the rite of commendation is found in the Breviary, which is the Book of all priests, as the Ritual is the special Book of parish priests.

Benedict XIV. forbade the parish priests of the Diocese of Rome to omit the recitation of the Office of the Dead for every deceased parishioner; or of at least one nocturn followed

by Lauds. He ordained also that a mass of requiem in presence of the corpse should be said, whenever this is not hindered by the rubrics of great feasts.

Although secular priests in Rome frequently belong to some third order or confraternity, they are not buried in the habit of these institutes, but in sacred vestments, in conformity with the Ritual.

When a parish priest dies, the neighbouring parish priest gives notice to the chamberlain of the clergy of Rome, and he assembles all the parish priests of the City for the funeral. Every parish priest says a low mass for the deceased. All this is prescribed in the Statutes of the Roman clergy, renewed by an Edict of the Cardinal Vicar in 1723.

20.

As regards the costume of the clergy in the Diocese of Rome, there are many edicts of the Cardinal Vicar which prescribe the wearing of a cassock reaching to the heels, to the exclusion of shorter coats, by all ecclesiastics in Sacred Orders, and by all beneficed clerics.

Clement IX. in 1667, Innocent XI. in 1681, Innocent XII. in 1691, and again in 1695, and

Clement XI. in 1706, are among the Bishops of Rome who have enforced this point of discipline. The cassock was to be of obligation from sunrise to sunset; except on journeys, when a shorter black clerical coat was permitted.

Edicts issued since the time of Clement XI. while prescribing tonsure and black garments under heavy penalties, have mitigated the penalties of the older edicts, so far as coats shorter than the cassock are concerned. The penalty imposed by Innocent XII. in 1691 was a fine of ten scudi (£2) for the benefit of pious works, as many days in prison, and exclusion from every ecclesiastical benefice or employment. The offending clerics could not be nominated to any benefice, or hold any ecclesiastical office, so long as they did not conform themselves to the edict. This was put in vigour by a notification from the Vicegerent in 1695, ordering all sacristans of churches in Rome to inform secular priests who came to say mass, that they were bound to wear a cassock reaching to the heels; and that if they were found in Rome without it during the daytime, or if in any other way they transgressed the Edict of 1691, they should without fail be punished as it directs.

The Edict of the Cardinal Vicar issued in 1706 by formal order of Clement XI. quotes

St. Bernard as saying that the clergy of Rome ought to be most orderly in their conduct, since it is from them chiefly that the pattern of clergy goes out to every church. In conformity, therefore, with the Sacred Canons and Apostolic Constitutions concerning the decency of clerical attire and ecclesiastical tonsure, wherewith all priests, all ecclesiastics in Sacred Orders, and all tonsured clerics who are in possession of ecclesiastical benefices or who serve in the churches, should exhibit modesty and give edification in public and, with still greater reason, at the altar when they say mass or perform other sacred actions; and considering that the modesty of external attire serves not a little to indicate internal virtue, it is ordered that no one of the clergy mentioned should, from sunrise to half an hour after sunset, go abroad in Rome in a coat shorter than the cassock, and without a tonsure of the size which belongs to their several Orders, and which is renewed sufficiently often to be clearly visible, or with a wig which covers the forehead and ears. On a journey the use of shorter coats is permitted, provided they cover the knees, are black in colour, without large buttons or pockets, and are in all things except length akin to the cassock in the sleeves and otherwise.

The collarino or small collar worn by the

clergy of the Diocese of Rome is of ancient origin. It was prescribed by Urban VIII. in 1624 in order that clerics should be distinguished from laymen, who for a long time had been in the habit of wearing ecclesiastical costume. The small collar was to be the distinctive sign of clerics, and laymen were forbidden to wear it under penalty of a fine of twenty-five gold scudi for the benefit of pious works. Benedict XIII. in 1725 renewed the edict of Urban VIII., and prescribed that laymen who wore ecclesiastical attire should use the *large* collar common among laymen, and never the *small* collar proper to clerics, and this under the penalties imposed by Urban VIII.

That which the edicts prohibit still more severely is that priests should enter churches with coloured clothes to say mass, or without tonsure, or otherwise unfittingly attired. Rectors of churches are bound in such cases to prevent them from saying mass, and are forbidden to keep cassocks in the sacristy for the use of priests, who ought to say mass in the cassock worn by them on their way to the church. The edicts are unvarying on those points, and were renewed by the Cardinal Vicar in 1788.

The later edicts do not mention suspension or other censure incurred by violators of the law

with regard to clerical attire. The reason is because the Sacred Congregations do not approve of censures in this matter, especially of censures which are *ipso facto* incurred. Fines for the benefit of the poor, and penalties short of suspension and other censures, are all that the more modern discipline permits; except in cases when the grievousness of an abuse, or the great number of delinquents, demands temporary recourse to censures. The Sacred Congregation of the Council is in the habit of sanctioning episcopal decrees which prescribe the cassock, but with regard to penalties it answers—'Let the Bishop proceed with moderation.' When complaint was made of an episcopal decree which prescribed the wearing of the cassock under pain of suspension *ipso facto* to be incurred by trangression of this precept, the Congregation answered—'The decree is 'valid, with moderation of the penalties.' The moderation which the Congregation demands is abolition of suspension *ipso facto* in the case of priests, and of the penalty in the case of clerics that they cannot be promoted to Sacred Orders, or admitted to benefices. In place of these punishments, offending clerics are to be mulcted in five pounds of white wax.

Under exceptional circumstances, however, at the beginning of the restoration of pontifical

authority in Rome after the Revolution, an order was issued from the Vicariate in 1799, enjoining ecclesiastical attire and tonsure in the Diocese of Rome, under pain of suspension *ipso facto*, and reserved to the Vicegerent.

21.

Leave in writing from the Cardinal Vicar is of strict necessity for all priests, both Romans and strangers, in order that they may say mass in the churches of Rome. Permission to say mass is not given for more than a year, and it must be renewed when it expires. If a stranger has not been personally recommended, he usually gets faculty to say mass for a fortnight, and this is renewed for another fortnight, if nothing is heard against him. After some lapse of time he may get permission for a year. An Edict of the Cardinal Vicar in 1602 forbids all Rectors of churches in Rome to allow those priests to say mass who have not permission from him or from the Vicegerent, or who are not in cassock and tonsured, with the sole exception of those who are making the Visit of the Seven Churches, and who may wear the shorter coat.

Clerical strangers are bound to present

themselves at the Vicariate with their Dimissorial Letters within ten days of their arrival at Rome. This was ordered by the Cardinal Vicar in 1603. During the French revolution the great number of priests, both secular and regular, who came to Rome made special precaution necessary, and this was provided for by an edict of the Cardinal Vicar in 1792.

An edict from the Vicariate in 1851 forbids the allowing of priests to say mass in the Diocese of Rome whose papers have not been duly countersigned at the Secretariate of the Vicariate. Those who say mass habitually in any church in Rome are bound to present their papers thus countersigned at the end of every year to the Rector, Superior, or Sacristan, under pain of a fine of twenty scudi (£4) for each transgression; along with other penalties in proportion with the gravity of the fault, including even suspension *a divinis*, if the nature of the case should be such as to demand it.

The permissions to say mass, issued from the Vicariate, do not constitute any *right*. The permission is merely a certificate that the bearer is not under any censure, with leave to any parish priest, if he thinks fit, to allow him to say mass in his church. If a parish priest should refuse without reason, he will nevertheless be, strictly speaking, within his right; although his

action may suggest the adage—'the greater the 'right, the greater the injury.' Permissions to say mass in Rome are registered at the Vicariate. Every stranger who says mass in a parish church has to inscribe his name with the date in a book kept for the purpose. It is thus easy to ascertain, by comparing this book with the register of permissions at the Vicariate, whether the law is being observed.

At Rome notaries are bound to declare, within fifteen days, at the Secretariate of the Congregation of the Apostolic Visitation, all the legacies or foundations for masses of which they have drawn up the deeds. Parish priests and confessors who receive sums of money from the faithful for masses are also bound within fifteen days to declare this at the Secretariate. The Congregation centralizes the sums given or left for masses, and has the distribution of them. The masses are thus said sooner, and the saying of them is under control. If a priest who is passing through Rome wants to apply for masses to be said by him, he must send along with his petition a certificate from his Bishop, given expressly for this purpose. As a general rule an ordinary certificate for leave to say mass will not suffice.

If masses are given by a church for a priest to say, he has to sign his name every time in a

Register, to testify that he has said mass on that day for the intention of that church. At the end of the month this account is sent to the Congregation.

If, on the other hand, the masses have been given to him to say by the Congregation, the alms for them will be given to him only on the certificate of the Rector of the church where he has said them.

The Pope himself is the Prefect of this Congregation, and the Cardinal Vicar is the President.

An edict of the Vicariate, by order of Benedict XIV. in 1742, speaks of the care with which priests saying mass should observe the rites and rubrics of the Roman Missal. Renewing the statute of the Roman Council of 1725, and the ordinances of Innocent XI. and of several other popes, Benedict XIV. prescribed that, in place of wasting time in useless conversation in the sacristy, silence should be observed and the modesty which befits a holy place, and the recollection with which preparation for saying mass, and thanksgiving after mass should be made. Secondly, he orders sacristans to take notice whether priests observe the ceremonies and rites prescribed in the rubrics of the Roman Missal, and to give notice to superiors

of those who disregard them, or who do not comport themselves in the sacristy as befits a holy place. Thirdly, he prescribes that there should be in the sacristy a clock, to ascertain that priests take a fitting time in the saying of mass; and he declares that this ought not to be less than about a third of an hour.

An edict in 1766, in renewing these precepts, is still more formal with regard to the length of the mass, and says expressly that it ought to be at least twenty minutes. The Rectors of churches in Rome are bound by this edict, under pain of deprivation of office, and a fine of twenty-five scudi (£5), to denounce priests who say mass within a shorter time.

If churches in the Diocese of Rome are not in possession of revenues sufficient to defray the incidental expenses of the masses said in them, Rectors are not to deduct any part of the accustomed alms given to the priests who say mass, but are to have recourse to the Cardinal Vicar, who will make provision in accordance with the Apostolic Constitutions. This is prescribed by a number of edicts, and among them by an edict of Clement XI. in 1706. Learning that in some churches in Rome there was not given to the celebrant one whole *Julius*, a piece of ten sous, which was at that time the accustomed alms for a mass, and that some deduction was made

therefrom under pretext of incidental expenses, and considering this to be a grievous abuse, already prohibited not only by universal law, but also by particular edicts for the churches in Rome, and following the edict issued in Rome by order of Innocent XI. in 1678 and the General Decrees of the Sacred Congregation of the Council published by order of Urban VIII., and renewed and confirmed by a Bull of Innocent XII. in 1699, Clement XI. ordained and expressly commanded that in all the churches and oratories of Rome, secular and regular, or otherwise privileged, there should be given the alms of one entire *Julius* for every mass said by any priest, secular or regular, without the least abatement under any pretext, and this under pain of deprivation of employment, and a fine of ten scudi (£2) for every contravention of this law, to be applied for the benefit of the Hospice of Pilgrim Priests.

22.

Attendance at the weekly Moral and Liturgical Conferences is of obligation for the parish priests and confessors of the Diocese of Rome. For the other ecclesiastics it is of counsel. They are exhorted, but they are not bound, to attend.

St. Pius V. instituted these conferences in religious communities. Clement VIII. established them for seculars, and ordered the parish priests of Rome to attend them assiduously under pain of loss of the fruits of their benefice for the day they missed. The sanction of this obligation was still more severe in the case of confessors who were not parish priests. It was suspension from hearing confessions if they missed three times. By an edict of the Cardinal Vicar in 1819, priests are exhorted to assiduous attendance, and confessors are warned that their faculties will not be renewed without a certificate of regular attendance.

At first the Moral Conferences were held several times a week. They were afterwards reduced in number, and parish priests and confessors were bound to attend them once a week. In the last century many conferences were held in different places at the same time. At one time there were as many as eighteen different houses where conferences were given. At the present day Moral Conferences take place in the Church of the Roman Seminary every fortnight, with a Liturgical Conference in the intervening week, so that there is no week without its conference, liturgical or moral.

23.

An Edict of Innocent XII. bound the parish priests of Rome to make a Spiritual Retreat every three years, and confessors who were not parish priests every year. Benedict XIV. limited this obligation to every two years. As conferences are a preventive of ignorance, so are retreats a preventive of the perils incident to confessors from the nature of their ministry. Priests who are not confessors are exhorted to make retreats for renovation of spirit.

Among the Decrees of Clement VIII. for the reformation of regulars, there is one which forbids regulars to go abroad from their convents without a companion. This was renewed by Benedict XIV. in 1754. Express permission from the Cardinal Vicar, or from the Vicegerent, is required for religious to walk about in Rome without a companion. The procurators of small convents may do so with leave of the Vicegerent, on account of the smallness of the number of religious. Regulars who are parish priests may do so within the bounds of their parishes. Mendicant religious who are sent out to beg can go unaccompanied only on the days appointed for quest of alms. These regulations have subsequently been renewed by

Decrees of the Sacred Congregation of Regular Discipline.

A Decree of the Sacred Congregation of the Apostolic Visitation under Urban VIII. in 1637 declares that it is not becoming that those who have devoted themselves to divine ministries should be entangled in worldly affairs by the exercise of lucrative trades. It forbids therefore, as wholly at variance with ecclesiastical discipline and, moreover, as prejudicial to poor artificers, all mechanical or venal trades to be carried on by any religious or ecclesiastics whomsoever; whether in their own names, or in the name of their order, either personally or through agents. It forbids them to be perfumers, bakers, weavers, or the like, except for the use of the inmates of their own houses; or to sell drugs, bread, flesh-meat, or anything else, however wrought or ornamented, even under pretext of friendliness or neighbourhood, without special leave in writing, to be obtained even by those religious to whom such occupations would otherwise be lawful in virtue of their institutes.

Transgressors of this decree are declared to incur *ipso facto* suspension *a divinis*, deprivation of all present offices, disability for all offices in future, and loss of both active and passive voice, so that they could neither elect nor be

elected. The Treasurer-General was moreover to take proceedings against them, as against illicit traders; and to confiscate all profits along with the capital invested in the trade.

Benedict XIII. forbade lotteries to ecclesiastics. This prohibition was renewed in 1725 as regards regulars, all persons of either sex who live in community like regulars, all boarders and other women living in monasteries and pious establishments, and all girls' conservatories. These girls and women, if found guilty, were at once to be returned to their parents, or sent away.

24.

There are various General Decrees of the Sacred Congregation of the Apostolic Visitation under Urban VIII. with regard to Nuns in the Diocese of Rome; and precepts with regard to convent-parlours during Advent and Lent. An Edict of the Cardinal Vicar, by order of Alexander VII. has reference to Nuns on public holidays. An Edict during the pontificate of Clement IX. forbids midnight mass to be said in convents on Christmas eve—or the external churches of convents to be opened before day—or Christmas cribs to be constructed in them.

Benedict XIV. made regulations with regard to the clothings and professions of Nuns in

Rome. He also forbade the convent parlours to Jews and Jewesses. They were not to come to speak to any one in the convent, or to sell their merchandise there, under pain of a fine of fifty scudi (£10). General Decrees of the Sacred Congregation of the Apostolic Visitation under Urban VIII. in 1625, forbid vocal and instrumental music to be supplied from outside in the churches of nuns in Rome. The nuns are to content themselves with the music which they themselves can furnish on their organs. Figured Chant is allowed them two or three times a year. A Constitution of Alexander VII. in 1657 permits public celebration with pomp only on the titular feast of their churches, on the feasts of the Protectors of their convents, and on the feast of the Founder of their Order.

It was anciently the usage to accompany maidens who desired to be nuns to the convent with great display, to the sound of trumpets and other instruments of music. General Decrees have abolished this usage, and ordained that these maidens should be conducted to the convent by their near relations. Benedict XIV. ordained in 1753 that clothings and professions of nuns in Rome should be made in the morning, and should finish towards mid-day. There were to be no invitations except to near relations up to first cousins. There was not to be any music

from outside brought into the convent church, nor any trumpets or drums or firing of guns outside the church.

In conformity with the decree of the Council of Trent, intending nuns were to be examined by the Cardinal Vicar or his delegate. There was to be a fixed number of nuns in each monastery, beyond which no one could be received without special permission from the Cardinal Vicar, a double dowry, and a majority of votes in a secret scrutiny of the Chapter. All important business was to be transacted in Chapter, and decided by way of secret scrutiny, or ballot. Boarders were to have their sleeping rooms apart from those of the religious, and their sitting rooms were to be entirely separated from the community. Married women or widows were not to be admitted to live in monasteries of nuns without express permission of the Pope.

By a decree of Clement VIII. the nuns are forbidden to make presents to strangers. In cases of sickness their parents and uncles, and brothers and sisters, may send them things suitable for sick persons.

Neither the ordinary confessor nor the extraordinary confessor can enter within the enclosure to hear a nun's confession, except in a case of dangerous sickness. The confessional is to have an iron grille, covered with a transparent vail,

under pain of suspension *ipso facto* of the confessor for the first transgression of this law, and of disability for hearing confessions for the second offence. The confessors are forbidden to eat in the convents, in the parlours or adjacent chambers, and even to receive eatables in place of what the convent owes them for their support. This is to be paid in money, and the amount fixed by the Vicegerent.

The superioresses of convents in Rome cannot be nominated for more than three years. At the expiry of this term, their nomination is not to be renewed, notwithstanding the Constitutions of any Order confirmed by Apostolic authority. From this portion of their Constitutions the Pope expressly derogates for the Diocese of Rome.

Every convent of nuns in Rome is to have its Archives, in which are to be kept all the Acts, privileges, account books for both receipts and expenditure, and all papers that concern the property or interests of the Convent. The Archives are to be locked with two keys, one in the hands of the superioress, and the other in the hands of the sister-chamberlain. There is to be an inventory in a separate book of all the documents in the Achives.

During Advent and Lent, and on all Sundays and holidays, the parlours of convents in Rome

are to be closed, and on other days from the Ave Maria in the evening.

Following the ordinances of St. Charles Borromeo, and several resolutions of the Sacred Congregation of Bishops and Regulars, and Edicts given for Rome, an Edict by order of Clement XI. in 1708 ordains that all the nuns of a convent, beginning with the superioress, are to present themselves to the extraordinary confessor, as an act of submission, and to receive advice, although they are free either to confess, or not to confess. Transgression of this regulation involves deprivation of office for the superioress, and loss of active and passive voice for a year in the case of delinquent nuns. During the continuance of the faculties of the extraordinary confessor, the ordinary confessor ought not to be on the premises of the convent; and above all he is to abstain from hearing the confession of any one, under pain of deprivation of his employment.

In order to preserve the peace of the monasteries of Rome, and to secure the sound direction of the nuns, extraordinary confessors are forbidden, under pain of imprisonment, to go to the monasteries in which they have heard confessions once their work is over, or to hold correspondence with any one in the house even

by letter on matters of direction. Experience has shewn that these correspondences and spiritual directions beget confusion and division in religious communities, and that they are an occasion of nuns being but little obedient to their confessors for the time being.

In allowing the residence of boarders in convents, the Sacred Congregation of Bishops and Regulars is in the habit of adding the condition, that they observe the law of enclosure, and that they be modestly attired. The Roman Council of 1725, ordered that their dresses should not be of silk, or of any other than black, white, violet, or some dark colour, and without any such ornament as is incompatible with the decency of the cloister, and the religious modesty of the spouses of Jesus Christ in whose company the boarders are. This Decree, ordered by the Cardinal Vicar to be put in execution in the monasteries and conservatories of Rome, whether cloistered or not cloistered, in 1725, was confirmed and explained by another edict in 1770, which forbids half-silk, embroidery, flowers, lace and coloured ribbons. It leaves each monastery at liberty to adopt any of the permitted colours, and all the boarders are to attire themselves in the adopted uniform.

The Apostolic Decrees do not permit the

reception of nuns without the dowry prescribed by the constitutions of each monastery. Dispensation, if there is ground for it, is to be asked for from the Sacred Congregation of Bishops and Regulars.

Clement XIII. wrote in 1729 to the Vicegerent of the Vicariate of Rome that the prudently established rule had been for a long time observed with exactness, that the religious habit should not be given without previous deposit of the whole of the dowry at the Monte di Pieta or at the Bank of Santo Spirito, and without an authentic certificate of this deposit having been transmitted to the Notary of the Secretariate. He had observed, however, that for some time past the Notary had, in place of insisting on this certificate, introduced the abuse of contenting himself with an obligation or promise made by persons who were not always solvent; and that the consequence was that when payment could not be got at the time fixed, the religious profession had to be postponed. During the year of probation novices received on these terms, instead of leading lives that were retired, tranquil, and disengaged from the solicitudes of the world, were driven to seeking means to get ready their dowries against the end of the year of noviceship. To obviate this evil, and to provide that novices

should pass their time in exercises of piety, and should labour only in obtaining from God the spirit of perfection at which they aim, he ordained that the religious habit should not be given to those who had not deposited at the Monte di Pieta, or at the Bank of Santo Spirito the whole of the dowry due to the monastery in which they wished to be professed. For contravention of this regulation, a superioress was to incur suspension from her employment, in which she could not be reinstated, except by the Pope; while the monastery and the nuns would lose their right to recover the dowry, and would have to content themselves with the sum deposited when the postulant was clothed.

25.

The Holy See has always manifested the most lively solicitude for the Oriental nations which are in union and communion with it. It has sent to them missionaries at great expense, it has trained their ecclesiastics, and it has seen to the observance of those rites of theirs which the Roman Church has approved. The Sovereign Pontiffs have shewn great solicitude in their care for Orientals who have come to Rome on business, to venerate the holy places, or to abjure their schism and re-enter

the bosom of the Holy Roman Church. Orientals have been most benevolently received and succoured, and have had even employment given to them in accordance with their state and condition. Regulations also have been made for their special benefit, for the preservation of discipline among their clergy, and for observance of their particular rites. This was very specially done by Benedict XIV. in 1743 for the oriental ecclesiastics and laymen sojourning in Rome. Oriental priests are exhorted to live in their national Hospices, which have been erected in Rome by Apostolic authority, such as the Hospice of St. Mary of Egypt for the Armenians, and the Hospice of St. Stephen of the Moors for the Copts and Abyssinians. Those who find it impossible to live there are exhorted to live in some ecclesiastical establishment. Since even this, however, might sometimes be inconvenient for those who have come to Rome either on their own private business, or on the business of their churches, they are permitted to choose a dwelling at their pleasure, provided that it is respectable, and that in it there are no female domestics.

Formerly Oriental priests could say mass in the Latin churches. In these churches, however, they could not observe their particular rites with exactness, or find their own sacred vestments or

an acolyte to serve their mass, and to respond to all their prayers.

To obviate these difficulties Benedict XIV. prescribed that Oriental priests should say mass in the church of the College of Propaganda, or in the national churches of their own rite. Oriental priests, however, who have vestments, missals, and hosts of their own, and who are provided with a server who can respond to all their prayers, may with special permission of the Cardinal Vicar say mass in the Latin Churches. Since certain Oriental rites forbid the saying of mass during Lent, Benedict XIV., at the request of the priests, and in order that they should not be deprived of Communion for so long a time, gave them faculty to say mass every day during Lent, as long as they remained in Rome, except on the last three days of Holy Week. Instead of allowing them to say three masses on Christmas day, he told them to be content with saying one mass, in conformity with the discipline of the Oriental churches.

Oriental laymen who know little or nothing of Italian, and who therefore cannot, if ignorant of religion, be instructed by Latin priests, ought to betake themselves to churches of their own rite. Those who speak Arabic are to go to the church of the Propaganda, where the superior will designate ministers to instruct them, and to

explain to them the mysteries and dogmas of the faith, and will also fix for them the most convenient days and hours of meeting. These instructions are to be given at least three times during both Lent and Advent. During other Fasts or Lents, as the Orientals commonly call them, arrangements will be made to prepare them for confession and communion on the feasts which follow those fasts, and on which they are accustomed to communicate.

Orientals are exhorted to assist at mass and office in the churches of their own rite on Sundays, and on the principal holidays. They will there receive the Eucharist in leavened or in unleavened species, as their rite directs.

Orientals have in Rome the privilege of fulfilling their Easter duty in the church of their own rite, and especially if it prescribes the leavened species.

Orientals can have their children baptised by a priest of their own rite in the parish church.

Extreme Unction and Viaticum ought to be administered by the Latin parish priest.

When Orientals who receive under the leavened species are in danger of death, the Greek Bishop at the church of St. Athanasius, or another priest of the same rite, designated by him, is to say mass in the parish church, with notice to the Latin parish priest, who has, however, no

power to prevent him; and to carry the Blessed Sacrament under the *leavened* species to the sick man with all the solemnity usual on such occasions.

Although it is the Latin parish priest who gives Extreme Unction to Orientals, he will, however, provide that the dying man should be assisted in his last moments by a priest who knows his language.

Orientals who are living in their National Hospices can have Easter Communion, Viaticum, and Extreme Unction from the priest who has cure of souls in the Hospice. This priest is to give a note to the Latin parish priest of all those to whom he has administered these sacraments. He is designated by the Cardinal Protector of the Hospice, and has to undergo the usual examination for cure of souls.

These interesting particulars will give some idea of the way in which the Supreme Pontiff and Bishop of the Universal Church manages his own particular Diocese of Rome.

CHAPTER VI.

Sacred Roman Congregations.

In order to a clear idea of the rise and constitution of the Roman Congregations, we ought to have, in the first place, a distinct notion of what is meant by the *Curia Romana*, or Roman Court.

The name of the Roman Curia is borrowed from the celebrated Curia of the Roman commonwealth. That Curia was two-fold. It had charge of matters which concerned religious worship, and it was also entrusted with the business of political administration. The office of the Roman Curia of to-day differs from that of the Curia of the ancient Roman commonwealth, as do the functions of the spiritual princedom of the Roman Pontiffs, from the functions of the Roman Consuls and Emperors. It is the office of the Pontifical Curia to be attached to the person of the Pontiff, and to give assistance in matters which are a necessary outcome of supreme government. Hence the

saying, 'Where the Pope is, there is Rome.' It matters not where the Pope is located, or whether he lives in Rome, or has ever seen Rome, his title to the Papacy is his Bishopric of Rome. He may be exiled to Avignon or St. Petersburg, to London or New York, but he remains always Bishop of Rome, and apart from that episcopate he would not be Pontiff. It is not because he is Pope that he is Bishop of Rome, but it is because he is Bishop of Rome that he is Supreme Pontiff and Vicar of Jesus Christ. The function of the electors, whoever they may be—the Cardinals, as at present, or others, as in times past—is to designate the person who is to occupy the vacant See of Rome. The mode of designation has not been determined by God by any divine law, and so it remains free to be determined by ecclesiastical law. But, given lawful election, that is to say, election in accordance with laws laid down by preceding Pontiffs, the Bishop-Elect of Rome is *by divine law* Vicar of Christ, from Whom immediately he receives the primacy. Hence the Roman Curia is not tied to the material city of Rome. As in attendance on the Pope, and at the immediate service of the Pope, it remains, wherever it may be, the *Roman Curia*.

The Roman Curia has its pre-eminence over other Episcopal Curias from the primacy of the

Roman Pontiff. For this reason it is that the members of the Roman Curia possess many privileges which do not belong to the members of other Episcopal Curias.

Taken in the widest sense of the term, the Roman Curia includes all who are attached to the person of the Pope, and in his immediate service, and who form what is called the Pontifical Family or Household. In this family there are certain persons who render actual service, while there are others who are enrolled in it by way of honour. There are chaplains who assist the Pope in sacred functions, and there are other chaplains who are honorary only. There are also chamberlains in actual service, and chamberlains of honour. Certain Bishops have the honorary title and the privilege of being Assistants at the Pontifical Throne. All these persons belong to the Pontifical Family, or Roman Court, and are in the enjoyment of certain privileges which belong to them as members of that Court.

In the strict and proper sense, however, the name of *Curia* is confined to that body of officials which is constituted for exercise of jurisdiction, or of administrative power. It comprehends all those who by their labour, counsel, or other function, assist the Pope in the government of

the Universal Church, whether as a whole or in the parts thereof, or who serve him officially in the administration of any temporal dominions which he has or may have. These persons are of several classes or orders. The first order is that of the Cardinals. The second is that of the Prelates. The third is that of other Judges and Magistrates who are not in possession of prelature. The fourth is that of the Advocates. The fifth is that of the Procurators. The sixth is that of the Solicitors of the judicial court. The seventh is that of Solicitors engaged in business which comes before the Dataria and the Cancellaria, which are courts the nature of which we shall see by-and-bye. These Solicitors have also the name of Expeditors or Expeditioners. The eighth is that of those who transact affairs which are either matters of favour, or are extra judicial, or who, in cases which are judicial, are employed in lending assistance to the pleaders, and are commonly called Agents. The ninth is that of the Notaries, and other writers or clerks. The tenth class consists of attendants on the Pope, the Cardinals, and the Prelates, at Court functions.

It is to be observed that not all advocates, or all procurators, or all agents or solicitors form part of the Curia, in the proper and legal sense, on the grounnd that it is competent for them to

appear and act therein, but those only who are public officials specially appointed in some tribunal or department of the Curia. The others do not form part of the Curia in the *legal* sense, or as regards exercise either of judicial power, or of administrative power.

The functions of the Curia which are fulfilled at the present day by a body of officials, who are distributed in certain hierarchical grades, were in early times fulfilled by the Roman clergy. Priests and deacons of the Diocese of Rome assisted the Pope not only in the affairs of the Pontifical Family, and of the Diocese of Rome, but in those also of the Pontifical administration of the Universal Church, which belongs to the Roman primacy. It was by degrees that a company of counsellors and collateral assistants of the Pope was developed from the more rudimentary form of the Roman clergy to the solemn hierarchy of the Roman Curia as it exists to-day.

For a more intimate knowledge of this process of development, we must keep in view the principle from which it sprang, or which gave it cause. The primacy of the Roman Pontiff of its very nature demanded that his counsellors and assistants should be selected throughout the world from amongst those who have personal

knowledge and experience of the conditions and circumstances of places and of persons in cases submitted for examination or judgment. This led to the calling of councils. These councils were either œcumenical councils, or particular councils, in accordance with the circumstances of the time, or the difficulty in hand. Even councils, however, left something still to be desired for the expeditious transaction of grave matters of government or administration; and as time went on it was felt, and found by experience, that it would be very opportune for the Pontiff to have at his side a *permanent* body of councillors and coadjutors. These would serve not only to remedy current evils, as is done by councils, but would also take precautions and provide against evils of the future, with constancy of solicitude and diligence. This was effected through the institution of the College of Cardinals, who became the Senate of the Pontiff, and his collateral counsellors, as it were, by birthright, and in their creation. Hence St. Bernard said of the Cardinals, in writing to Eugenius III., 'These are your 'sedulous men, and your intimates, to be 'selected from out the whole world, to judge 'the world.' For the same reason Eugenius IV., in 1440, declared that the dignity and degree of the Cardinalate is greater and more

sublime than is that of a Bishop, an Archbishop, or a Patriarch.

The manner in which the Cardinals have given their assistance to the Pontiff has not in all ages been uniformly the same. During the period before the Pontiffs had distributed the Cardinals into certain definite Congregations, with a perpetual mandate for the exclusive transaction of particular kinds of ecclesiastical business, as was done by Sixtus V., the Cardinals were present at the Pope's council. They were either summoned by him individually, or they were convoked for the special purpose of all in common giving their opinions and suffrages with regard to some matter of grave moment which had come up for settlement. A convocation of all the Cardinals in presence of the Pontiff to deliberate on a particular question, or to transact an affair of importance, was called a Consistory. This name was borrowed from the Curia of the Roman Emperors, whose counsellors were said to form the Consistory of their prince.

It was through various processes of change that the College of Cardinals came to succeed the Roman clergy as advisers and resident assistants of the Roman Pontiff. Hence it is that the manner of holding a Consistory, as well as the reasons for summoning a Consistory, have varied in various ages up to the present day,

when a Consistory has become little more than a ceremonial form. The holding of a Consistory, in the old sense of a Consistory, is no longer necessary. The need for it has passed away, in being supplied and, as we shall see, still better supplied through the labours of the Sacred Congregations.

We have said that the College of Cardinals succeeded to the Roman clergy, but that this should be true it must be taken in the sense that the Cardinals form part and parcel of the Roman clergy. They are incorporated with the Roman clergy, and are the superior members of the body of Roman clergy. The Cardinals have churches of the city assigned to each one of them, and of these they formally take possession. These churches are their *titular* churches. Possession of them is not merely the ground of an honorary or nominal title, but is the *title* or ground which entitles the Cardinals, as of real right, to their place among the Roman clergy. Every Cardinal, whatever his office, state, or dignity may be in the Catholic and Roman Church throughout the world outside the diocese of Rome, is also either a priest or deacon of the Holy Roman Church, or Diocese of Rome, or a Bishop of one or other of the suburbicarian or neighbouring dioceses of the ecclesiastical Province of which the Bishop of Rome is Metro-

politan. Hence it is that, when the Bishop of Rome is elected by the Cardinals, he is elected by the clergy of Rome; just as the Bishop of any other diocese is elected by the canons or superior clergy of that diocese.

2.

From the old Consistory of the Cardinals the Roman Congregations had their origin. A difficulty had long been felt in expediting causes, especially causes of grave moment, in a Consistory; on account of the imperative necessity that mature deliberation should be preceded by equally mature examination. This could not have place during the sitting of a Consistory.

In every disputed or doubtful case of government there occurs a two-fold question, one of *fact*, and one of *law*. On a thorough knowledge of both depends the right solution of the difficulty and settlement of the case. Adjuncts of fact can only be perceived and comprehended in all their bearings by patient investigation; while moot-points in questions of law can only be solved by undistracted examination. It has been discovered by experience that even synodal councils, if they are to be of any real service, must be preceded by diligent preparation of the questions which come before them. Hence, as

Benedict XIV. says in his celebrated work on the Diocesan Synod, pre-synodal consultations of congregations were wont to precede the celebration of a synod, in order to prepare, and by solicitous labour to set in order, the matter which was afterwards to be submitted to the synodal vote. In the same way, and with still greater reason, from the importance of the issues at stake, it was necessary that matters submitted to the suffrages of the Pope and the Cardinals should have been previously prepared, both by investigation as to questions of fact and by unravelling of the more knotty questions of law. There is no doubt that, as matter of fact, some such preparation did always precede the more important decisions of the Consistory of Cardinals assembled in presence of the Pontiff; although there had not as yet been established any definite and stable method of doing this by means of a particular staff of persons and in a particular way. There were not yet in existence those official colleges or collegiate bodies to which certain Cardinals are attached, and which give themselves to the examination of matters which are afterwards either to be decided in a plenary assembly or Consistory of Cardinals—or settled at once, after reference of them to the Pope—or even, apart from any such reference,

in virtue of a general mandate given to the Cardinals by the Pope. Herein we see at a glance the idea of the Roman Congregations, along with the necessity for them, and the principles of the constitution of them.

In order, however, more clearly and thoroughly to understand the character of these collegiate bodies, we have to consider the nature of the various kinds of business which the Pontiff is in the habit of transacting through the ministry of his Curia. Some matters belong to the *legislative* order, and some to the *executive* order. A legislator has both to make laws, and to execute laws, for the government of his subjects. The execution of laws is procured through exercise of *administrative* power; by which laws, which have been made for the good of subjects universally, are applied in a particular case —through exercise of *judicial* power; by which laws are applied in a particular case as regards particular contending parties—and through exercise of *coercive* power; by which a law is applied to those who are unwilling to submit to it.

Matters which belong properly to the legislative order, whether matters of dogma, or matters of discipline, as affecting the Universal Church, are generally disposed of with solemnity in Œcumenical Councils. Matters of discipline

which affect particular dioceses are set in order in diocesan synods. To the solicitude of the officials of the Roman Curia are ordinarily committed matters—both administrative matters and judicial matters—which concern the government of the *Universal* Church.

Among the matters which made the necessity of establishing an official College or collegiate body to be felt were matters which were strictly *judicial*. Judicial matters, of the very nature of them, demand prolonged and patient inquiry into questions both of fact and of positive law; and they cannot well be settled unless there exists some one magisterial body, or definite order of officials, which gives itself to hearing the allegations of parties—to the examination of facts—and to pronouncing sentence with intimate and thorough knowledge of the whole case in all its bearings.

We find from the history of the Roman Curia that the Popes began to delegate to their chaplains judicial causes for *examination*, and that these chaplains then drew up a report of the case. This report they submitted to the Pope. It contained a narrative of the matters which had been alleged and proved. This was sometimes done in presence of a large Senate or Consistory of Cardinals. In this case sentence

was pronounced by the Pope, after he had asked counsel of the Cardinals. Hence the clause in many of the Decretals—'With counsel also of 'Our Brethren.' This mode of procedure we find set forth in many of the more ancient collections of Decretals, and notably in the collection made by St. Raymund de Pennafort, one of the chaplains of Gregory IX. From the part which he had taken in the decision of causes before that Pontiff, he was specially qualified for the compilation of this collection. Those chaplains, from their having to take note of judicial controversies, were also called Auditors of the Pope. In process of time there came to be added to the delegated duty of drawing up cases a mandate to *decide* them. Hence those chaplains or auditors of the Pope came gradually to constitute an *ordinary* tribunal, that is to say, a stable and permanent tribunal. This tribunal was called the Sacred Rota. The name is said to have been taken from the auditors sitting at a circular or wheel-shaped table. It reminds us of our own King Arthur and his Knights of the Round Table.

There is a trace of the *origin* of the tribunal of the Rota in this, that the Auditors of the Sacred Rota are also chaplains of the Pope. Some of them are selected from various nations. The causes which they are to try they receive

by *special commission* from the Pope. The institution of the tribunal of the Rota was in course of time still further developed and perfected by its having a certain definite competence assigned to it. Its functions are carefully discriminated from those of the Sacred Congregations. To its competence belongs business which is truly and strictly *judicial*. The Sacred Congregations, on the other hand, were not instituted, nor are they intended, directly and immediately for exercise of judicial power. They exist rather for exercise of *administrative* power; in interpretation of laws, and in promotion of the exact observance of laws through ecclesiastical discipline. If judicial causes, or causes which of their nature and character involve or demand judicial process, and formal examination of witnesses, should at times come before the Sacred Congregations, this happens as it were accidentally; as for instance it may happen incidentally at the will and choice of parties having recourse to the Sacred Congregations in place of proceeding before the ordinary tribunals. In that case those causes fall to be transacted rather by way of economic administration, than by way of solemn and formal judicial order; as we shall see more clearly when we consider the functions which are proper to these Congregations.

3.

Besides the Tribunal of the Sacred Rota, there exists in the Roman Curia another tribunal, which is called the Tribunal of the Signature of Justice. It is a High Court, and a tribunal of last instance, or ultimate appeal. It was instituted for the purpose of watching over due administration of justice, and right interpretation of law, rather than for settlement of particular questions of combined *fact* and *law*. In its scope it resembles those tribunals which are elsewhere called supreme tribunals of cassation.

There is in France a court which is called the Court of Cassation. It belongs to this court to quash the judgments of lower courts, on cause shown within a given time. In this sense it may be regarded as the highest and final court of appeal. Inasmuch, however, as all matter is excluded from consideration by this court, beyond the simple question as to whether the law has been rightly interpreted, and duly applied, by the lower tribunal; the idea of a court of cassation is less that of an ordinary court than of a department of Government, established to watch over and secure due administration of justice. The demand for cassation may be made either by the parties

to the suit, in their own interest; or by the Procurator-General of the Court of Cassation itself, in the general interest of the public, and for the the common good. Appeal to this court does not involve stay of execution. Its function is strictly confined to either quashing or sustaining the judgment of the lower court appealed against.

The Roman Court of the Signature of Justice gives judgment with regard to the validity of judicial acts if these should have been impeached, and alleged to labour under some defect; and with regard to the force of sentences, in case of dispute with regard to the rightness of the interpretation which has been given to law. It has power also in cases of conflict between judges, or between a judge and a litigant, as regards the competence of the lower court; as well as in cases of suspicion attaching to a judge, or his refusal to grant just rights demanded at his hands.

This tribunal has its name of the Signature from the fact that the Pontiff *signs* its decisions. Since it acts directly in the name of the Pope, and in virtue of his power *as supreme ruler* over all judges; and since it gives judgment in doubtful cases which exceed the ordinary powers of judges; it is fitting that its decrees should be signed by the Pontiff with his own hand.

The President of the Tribunal of the Signature is a Cardinal. The judges are prelates, and they have a deliberative vote. They are called Votants of the Signature. Besides these judges, there are other members of the court, who assist in the capacity of Auditors in the transaction of causes. These are called Referendaries of the Signature. Although the Signature of Justice is a supreme tribunal, and is constituted in the highest grade of tribunals, yet the Sacred Congregations are not subject to it for revision of their decrees. They were expressly exempted from its supervision by Gregory XVI.

We may remark, in passing, that in Scotland the warrants which were sealed with the signet of the King were anciently called "signatures." At the present day the principal class of solicitors in Edinburgh bears the name of Writers to the Signet. It is derived from their having originally been clerks to the King's Secretary. To them it belongs to prepare warrants for charters or grants under either the Great Seal or the Privy Seal. Not only writers and solicitors, but advocates, agents, procurators, and notaries, to say nothing of the Procurator Fiscal, are names as familiar in the Scottish courts as are the same names in the courts of the Roman Curia.

As it were, from out the side of the Tribunal of the Signature of Justice came forth the Signature of Grace. This was not properly a *tribunal.* It was a consultative college, or collegiate body, which concerned itself with graces, or favours, asked for from the Pontiff in some judicial matter. Sometimes, for instance, there was asked sanation of judicial acts, or prorogation of a peremptory or definitely fixed period of time for action, which had already elapsed, or the quashing of a sentence, even if the sentence was in law entirely valid. The Signature of Grace was a congregation which the Pope himself held in his palace, by way of a consistory on a small scale, for the discussion of petitions which had been made to him.

The procedure of this congregation, which has no longer a separate existence, and so is not now numbered among the Roman Congregations, is described by Cardinal de Luca, in his *Relatio Romanæ Curiæ*, at the end of the seventeenth century. The Pope, he says, is seated, with a small table before him, on which are writing materials. On either side of him are seated a certain number of Cardinals, with their heads covered as in a Consistory, but with this difference that in a Consistory there is greater solemnity of apparel. In a Consistory the Cardinals wear the cappa over the rochet, whereas

here they wear simply the rochet, mantelletta, and mozetta. These Cardinals give no vote, and only answer if questioned by the Pope. They are there more to lend majesty to the occasion than to intervene; with the exception of those Cardinals whose office it is to inform the Pope of the circumstances of the case in hand. Behind the Cardinals there are standing, uncovered, in rochet and mantelletta and with their birettas in their hands, the twelve senior prelates who have the title of Votants, as assessors or counsellors of the Pope. These will give their vote if the Pope should see fit to ask for it. There are also standing, uncovered and in the same prelatitial attire, certain officials, such as the Auditor of the Chamber and the Treasurer, the one on the right, and the other on the left, behind the Pope; the Datary, if he is a prelate; the Dean of the Rota, or in his absence the Pro Dean; the Dean of the Chamber, or in his absence the Pro Dean; the Vicegerent of the Cardinal Vicar, one of the Protonotaries, two Vice-auditors of the Chamber, the Regent of the Chancery, and one of the Abbreviators of the Greater Park, along with those prelates who are judges ordinary in some tribunal, when there is question of causes belonging to that tribunal. These will be there to give information to the

Pope and his Assessors with regard to the state of the case, or the motives for making or for not making a provision against which one of the parties has had recourse to the Pope. Besides these Prelates there is present the Domestic Auditor of the Pope, who has already assisted him in his previous study of the case in hand, and who is ready to give him information now in case of any doubt as to matter of fact which may have emerged in the course of the relation or discussion. There are also present three prelates who, to distinguish them from the Referendaries Votant, are called simply Referendaries. These propose the cases for the next meeting, mentioning the petitions, with the exceptions taken to them. The vote of the Votants is merely consultative, and the Pope may either see fit to follow it or not, as the case may be. Sometimes without asking for this vote the Pope rejects the petition by writing on it the word *Nothing*. Sometimes, by the fact of his not writing anything, he reserves the answer to be given in the Apostolic Chamber through his Auditor. If a Cardinal should intervene on behalf of his tribunal, or at the instance of the Pope, he asks leave to speak, and speaks standing and uncovered, as in the Consistory. If it is a Prelate who has to speak, he speaks kneeling. So do also the Advocates

and Procurators. Apart, however, from this reverential homage, they speak with as much freedom and are heard with as much benignity as when speaking before other judges, and in the same way as in the Rota, the Apostolic Chamber, the Sacred Congregations, or the Roman tribunals.

To the objection that the court of the Signature of Grace is superfluous, and a needless waste of the Pope's time which is already so much occupied, since so many other petitions and affairs are wont to be transacted through the Datary and the Secretary of Briefs, or are signed in the Apostolic Chamber by the Domestic Auditor, Cardinal de Luca answers that this objection is superficial. The Court does not exist solely for such signatures, but also for the consolation and satisfaction of litigants who may regard themselves as aggrieved or oppressed. These have in this Court an opportunity of recourse to the sovereign ruler in person, who in it publicly and with solemnity gives ear to and examines their cases. It is also no small restraint on all judges and officials to know that their doings are liable to revision of this kind, and that they may have to give account of their transactions. Further, this court is an open doorway to the truth, such as

is not always to be found in the courts of princes, and by means of which the Sovereign Pontiff has an opportunity of seeing and hearing for himself.

These courts were, in ancient times, the principal means which the Pontiffs employed in the settlement of such judicial matters as could not well be transacted in full Consistory of the Cardinals. As Consistories took the place of the Roman Councils, as means employed by the Popes in their government of the Universal Church; so were the Consistories themselves succeeded by the Roman Congregations, as we shall see later on with some fulness of detail. In the fourteenth and fifteenth centuries, when the authority and power of imperial government—which of its nature belongs, and has therefore always belonged, to the primacy of the Pontiff—had unfolded and greatly expanded itself in practice, the burden of administrative business became so heavy that the need was felt of instituting certain collegiate bodies of Cardinals for the purpose of expediting particular branches of business by means of a fixed and permanent official staff. Similar bodies of Cardinals had already been instituted before the days of Sixtus V., although this Pontiff has the credit of being the principal author of the Sacred

Congregations. It is at any rate true in the sense that he instituted several new Congregations, and that he gave form to other Congregations already in existence.

Two things are required to constitute a Sacred Roman Congregation. It must, in the first place, be ordained directly and in itself for *administrative* business. It must, in the second place, be composed of several Cardinals, united in one collegiate body, and furnished with administrative authority. A Sacred Congregation may be defined as being a college or corporation consisting of a certain number of Cardinals, along with other men of eminence, for taking charge of, discussing, and deciding matters which belong to certain particular branches of business.

Judicial power cannot always, as we have already seen, be entirely separated from *administrative* power. Hence, some exercise of judicial power may sometimes be necessary in exercise even of administrative power. This is not to be wondered at. It is to be expected, since both *administrative* power, and properly *judicial* power, are species of *executive* power. For this reason it is that we have guarded ourselves by saying that Roman Congregations are instituted *directly*, and so far as they are themselves concerned, for administrative business. They are not properly *tribunals*, as are the Sacred Rota

and the Signature of Justice. Their function is primarily administrative.

4.

The first step taken by the Pontiffs in the direction of Sacred Congregations was in the institution of the tribunal of the Holy Office, or Supreme and Universal Inquisition. It was established at Rome, and entrusted to the Cardinals by Paul III., and confirmed, with pre-eminence among other Congregations, by Sixtus V.

There had already, in the days of Innocent III., during the time of the Albigensian heresy, and chiefly at the exhortation of St. Dominic, been constituted certain local tribunals of the Holy Office. In these the Friars Preachers and the Franciscans investigated cases of alleged heretical depravity, and did their endeavour to suppress heretics by means of ecclesiastical censures and penalties. The Master of the Sacred Palace at Rome, chosen from among the sons of St. Dominic, fulfilled this function. At the time, however, of the Lutheran heresy, in 1542, there was erected the *Sacred Congregation* of the Holy Office, or Supreme and Universal Roman Inquisition; that is to say, the *College* of the *Fathers* of the Holy Office was, by the

selection and deputation of Cardinals to compose it, raised to a position of greater dignity, and invested with more ample authority.

This was the commencement of the system of delegation in perpetuity to Cardinals, for the conduct of matters which concern universal government in the Universal Church.

The scope of the Congregation of the Holy Office gives a key to the nature and origin of Congregations, as these are in their erection distinct from Tribunals. Primarily, the Roman Congregations are not intended to concern themselves with controversies between private individuals; but with providing for the common good, safeguarding and defending ecclesiastical discipline, and assisting in the government of the Universal Church. Secondarily, however, it belongs to the Congregations to settle controversies which arise in the course of their general function, and this with observance of judicial order; that is to say, with judicial inquiry, if such inquiry should be expedient to prevent interference with vested rights, or to avoid unlawful damage to the rights of private individuals under colour of public good, or pretext of the better safeguarding of ecclesiastical discipline.

Since the Sacred Congregations were, of the

very nature of their institution, intended more especially and more directly for the establishment and preservation of ecclesiastical discipline, or for the government of the Church, than for administration of justice in contested cases such as come before a judge, we may observe the effect of such Congregations on the convoking of particular Councils or Synods. It was effected by means of Congregations, says Benedict XIV., that no damage was done to discipline through the omission of ecclesiastical Synods in the City of Rome; since whatever had been done with more of difficulty and more slowly by a Synod for the moral reformation of the people and of the clergy, was now done with greater ease, and more quickly, by the Supreme Pontiff, through the Congregations of Cardinals.

We may even say that a reason why the Diocesan Synod, in the old sense of a Synod, is becoming daily more and more in desuetude in all churches throughout the world, is because the Roman Congregations are more convenient in meeting the needs for the supply of which in ancient times a local Synod made provision. Without detracting from the force of this reason, it is, however, to be observed that the Roman Congregations cannot possibly keep watch over diocesan discipline in dioceses from which they are far distant; and in this matter, moreover,

the Bishops are by birthright judges and pastors.

Aggrieved persons are sometimes prevented by poverty from carrying their suits to judicial tribunals, and conducting them with all the forms of legal process. In that case, and especially when the question at issue is restricted solely to a point of law, it is competent for those persons, by mutual consent, to have recourse to the Roman Congregations. Outside these cases, however, or if one of the parties should object, the Congregations do not take up contested cases which require formal process, with leading of proof on either side. Such cases fall to be decided by the ordinary judges. It is, therefore, not in accordance with the native origin and it is alien to the innate character of the Sacred Congregations to give themselves, as it were, of set purpose to such cases. They were expressly forbidden, by Innocent XII., to undertake cases which have to be conducted with the clamour of a court. He decreed that such cases were to be left to the ordinary tribunals.

The Tribunal of the Sacred Rota has the first place, and makes the greatest figure, among the tribunals of the Roman Curia. Its

resolutions have the name of *Decisions*. That, however, which is called a 'decision' of the Rota is a reasoned exposition of the considerations which have had weight with the Auditors of the Rota. This is communicated to the party against whose case these reasons militate, and he may possibly be able to bring forward other reasons which are of such a nature as to cause the tribunal to reverse or revise the judgment towards which it was tending. When the Rota has pronounced several times in the same sense, it then publishes its definitive decision. The Sacred Congregations, on the other hand, do just the contrary. For reasons which we shall see later on they give judgment without giving their grounds for it. They have good grounds, and these may be the best of grounds, but the Sacred Congregations do not give them.

The Resolutions of the Rota supply a model in the method of arriving at a judgment. To Congregations of Cardinals, and to the Signature of Justice, the name of judge does not properly belong. Hence it is from study of the origin, the status, and the styles of procedure of the Rota, that we get a true general idea of what is meant by a *judge*. A judge is one whose duty it is, with his powers to judge restrained within the limits of commutative justice—that is, of justice as between man and

man—and within the limits of the laws, to thoroughly acquaint himself with and to decide the causes brought before him.

A very different idea in the investigation and decision of cases is that which belongs to the Sacred Congregations, and to the Court of the Signature of Justice. These courts act in place of the Pontiff as the Pontiff is supreme ruler in the commonwealth or society of the Universal Church. They have power occasionally, in accordance with the nature of the cases which come before them, to go outside the strict limits of pure law, and to proceed in accordance with prudential rules, or laws of prudence, so as to put an end to a dispute, or to temper it with some opportune moderation. They resemble therefore what we call Courts of Equity, as these are distinguished from Courts of Common Law. No system of positive law is capable of providing a rule which is adequate in every case. Even the best of laws may result in injustice being done, if they are interpreted with rigorous adherence to the letter of the law. Equity supplies the moral justice of which laws, in their literal construction, may be but an imperfect expression. Equity is a life-giving form, of which laws are, as it were, the matter. Courts of Equity do not, however, exercise an arbitrary discretion. They proceed on principles. They

existed under the old Roman commonwealth. To the Prætors there belonged the *nobile officium* of deciding in accordance with equity. In course of time a system of equity was gradually developed, and ultimately, in the reign of Hadrian, the edicts of the Prætors were reduced to one code. This was called the Perpetual Edict.

In England the Court of Chancery has long since supplemented the common law; and the rules of equity have been reduced to a system. In this system equity follows the law, by applying existing rules of law in the spirit of justice. Equity assumes that to have been done which ought to have been done; and looks to the substance and spirit of the law, rather than to the form or letter of the law. Law and equity are administered concurrently, and, when they seem to be in conflict, the rules of equity prevail. In Scotland, the *nobile officium* of the Roman Prætor is exercised by the Court of Session.

Some study of the Roman Congregations from their first beginning is necessary if we are to have a clear idea of how far, and in what, they have undergone alteration from their primitive institution. In process of time, and by reason both of the eminence of the Cardinalitial dignity, the esteem in which it was held, and

the acknowledged prudence of the Cardinals engaged, and on account of the natural connection of points of *law*, pure and simple, with particular questions of *law* and *fact*, and also because an expeditious or summary method of terminating lawsuits finds general favour with litigants, there gradually grew up a great and ever greater mass of contested cases brought before the Congregations for discussion and settlement. Hence it was that at the beginning of the present century special rules of procedure were drawn up for the conduct of contested cases when they came before the Congregations. When afterwards the Holy See was robbed by revolution of its Civil Princedom tribunals which had been established entirely for civil causes were thrown out of their own proper work, and the authority which belonged to them became practically obsolete for want of civil business. It was, moreover, and for this reason, no longer exercised in the ecclesiastical causes on which they had formerly sat as judges. On account of this a mass of other business was brought before the Congregations, and these had then to occupy themselves with contested cases, which had hitherto been discussed and decided with all the rigorous forms of law in the proper *tribunals* of the Curia. Leo XIII., on his accession to the throne, seeing so many

prelates thrown out of work, and those men learned in the law, and prudent in counsel, who had previously been engaged in the functions of the tribunals, thought fit to employ them for the general welfare of the Universal Church. He therefore gave orders, through the Secretary of State, that they should be annexed to the Congregation of Bishops and Regulars, the Congregation of the Council (instituted for interpretation of the decrees of the Council of Trent) and the Congregation of the Propagation of the Faith. To these prelates, as to a collegiate body, was assigned the duty of examining and discussing causes, and of then giving a *consultative* vote with regard to them before they were discussed and decided in a general assembly of Cardinals. These consultative colleges were after a time, however, released from this function.

Special regard has been had in these arrangements to the tribunal of the Sacred Rota. This tribunal, in its quality of a perfectly constituted *judicial* college, has been annexed to the Sacred Congregation of Rites; so that, as a collegiate body, it should by a *deliberative* vote decide questions with regard to the juridical value of processes in the beatification and canonization of saints. To the same tribunal of the Sacred Rota it has also been granted that

it should, with observance of due order of law, determine questions in contested cases between ecclesiastical persons with regard to pre-eminence or precedence, and other rights. It has this power when these cases belong to the competence of the Sacred Congregation of Rites, and when the Prefect of that Congregation thinks fit to remit them to the Rota.

We have already noticed the division of offices in the Roman Curia, which distinguished the Curia of Grace from the Curia of Justice; and we have seen also the two senses, the wide sense and the strict sense, in which the term *Curia* may be understood. Taken in the wide sense, the Curia comprehends all persons who are in the immediate or collateral service of the Roman Pontiff in any office whatsoever, whether political, or ecclesiastical, or domestic, in the Pontifical family or household. Taken in the strict and proper or legal sense, the Curia comprehends all those persons and those only who have place and share in some collegiate body, constituted for the regulation and government either of that particular and local Church which is the Diocese of Rome, and the Mother and Mistress of all Churches of the world, or of the Universal Church throughout the world which, as subject to the Bishop of Rome who is

Supreme Pontiff, is Catholic and Roman. In this strict sense, the Roman Curia comprehends all the Roman tribunals, properly so called; that is to say, those tribunals which have been constituted solely for *judicial* administration of justice. It comprehends also the Roman Congregations, and all other offices which are in themselves properly *executive*, and exist for this end that they may *execute* the Rescripts and Decrees of the Supreme Pontiff, and that with prescribed solemnities. To this class belong the offices of the Secretariate of State—the Secretariate of Briefs — and the Secretariate of Memorials. In these offices there is not exercised any *judicial* power, even secondarily and incidentally, as between contending parties. They have to do solely with the execution of graces, or gratuitous favours.

There are also other offices of the Roman Curia which do not, so far as they are themselves concerned, exercise jurisdiction over litigants; and whose jurisdiction in itself extends to those persons only who of their own free-will submit themselves thereto, or avail themselves thereof for the reception of favours which these offices have it in their power to grant. Such are the *Cancellaria*, the *Dataria*, and the *Penitentiaria*. The latter deals in the internal forum, or court of conscience, and solely with those persons who

resort to it. It may, however, happen in the case both of the Cancellaria, and of the Dataria, that in the exercise of their function of granting favours, controversies should sometimes incidentally arise with regard to individual rights as between the parties who are favoured, or who seek for favours.

Although the Cancellaria, the Dataria, and the Penitentiaria are comprehended in the Roman Curia, they are nevertheless not reckoned among Roman Congregations. For this there are two reasons. In the first place, these offices do not consist of a number of Cardinals; and so do not satisfy the notion and definition of a Roman Congregation which we have given. In the second place, these offices were already in existence long before the days of Sixtus V., who, as we have seen, is recognized as the principal author of the Roman Congregations. The Dataria and the Cancellaria have existed, either in union or as distinct offices, from the time when the Pontiffs began to reserve to themselves the granting of certain benefices and dispensations. The Penitentiaria also began to act in the court of conscience throughout the world by absolving in cases of sin reserved to the Pope, and by the granting of other gratuitous favours, long before Sixtus V. In neither of those three offices is there a collegiate body of Cardinals who are judges. They have only a certain

appearance of a Sacred Congregation in this, that many of their officials are under the rule and prefecture of a Cardinal. It is true that they are very commonly and colloquially called *Congregations*, but they are not Roman Congregations in the proper and legal sense of the term.

From the very nature and scope of Sacred Congregations, it is manifest that there is not, and there cannot be, any fixed and determinate number of Congregations. The Pontiff can at any time add to or diminish the existing number. This he will do in accordance with the amount and nature of ecclesiastical business which requires transaction. Leo XIII., as lately as 1895, established a special and stable council or commission, and assigned to it as its charge and function the work of fostering the reconciliation of non-Catholics with the Church. It was to consist of certain Cardinals nominated by the Pope, over whom he was himself to preside, and who were to hold their assemblies in his presence. Among the eight whom he first named we find Cardinal Vaughan, the Latin form of whose Christian name, we may observe, is given in one papal document as Heribertus, while in another it is spelled Erbertus. As is usual in the councils of the City, there is to be a fitting number of consultors, who are also to

be designated by the Pontiff; and delegates are to be chosen and sent to this council by the Catholic Patriarchs of the East.

Another Commission on Historical Studies, which at present consists of four Cardinals, was instituted by Leo XIII. for the refutation of calumnies against the Church, and against the Roman Pontificate.

Congregations which have existed for a great length of time, or which have been established in perpetuity, are called *ordinary* Congregations. They severally exist in virtue of a perpetual mandate from the Pontiff, along with power bestowed on them for the transaction of a special branch of business. Other Congregations are called *extraordinary* Congregations, and they expire when the business which gave occasion to their existence is ended. The ordinary Congregations are offices which are stable in virtue of *common law*. Hence the authority of the Cardinals who compose them is an *ordinary* authority; that is to say, it is not delegated to the Cardinals individually, but is attached by law to the office on which they enter. Their faculties, therefore, are perpetual, and do not expire with the Pontiff. They survive him, and persevere in all their fulness under his successor, unless they should be expressly abrogated. This belongs to that jurisdiction which is called

ordinary, or official, and which depends on stable law, and not on individual superiors who as men are mortal and pass away. Hence on the creation of a new Pontiff the faculties of the Roman Congregations are not renewed. They would have to be renewed if they had become extinct, since jurisdiction once extinct does not revive, even if the cause of the extinction of it has ceased to exist.

The practical utility of the Roman Congregations is testified to by daily experience. Ecclesiastical jurisprudence is built up by means of them; as civil jurisprudence was built up by means of the Prætors in the old Roman commonwealth. Even strangers to the Catholic religion, such as Leibnitz, have recognised with veneration the value of the decisions of the Roman Congregations.

5.

'We have determined to parcel out the bur-
'den of the Pontificate—a burden to be dreaded
'by the shoulders even of the angels—among
'the Senators of the world, Our Brethren the
'Cardinals; and this by a fitting distribution in
'accordance with the circumstances of the time,
'the amount and variety of business, and con-
'siderations of utility.' These were the words

of Sixtus V. in the Bull by which he moulded into shape the Roman Congregations.

A certain number of Cardinals forms part of every Sacred Congregation. When the elevation of a Cardinal is announced in the Consistory, he is forthwith attached to some one or to several of the Roman Congregations. Bearing in mind the admonition of the Scriptures, that where there is much counsel there is safety, the Cardinals of a Congregation were to call into consultation certain learned men, well skilled in Theology and in Pontifical and Civil Law. By this means the causes and questions and matters of business which came before the Congregation having been thoroughly discussed, would be settled as should appear to be most in accordance with justice and equity, the glory of God and the welfare of souls.

'All more grave matters,' Sixtus continues, 'are to be brought before Ourselves, and Our 'successors, so that what may be expedient in 'the sight of God We may, with the aid of His 'grace, establish.'

Every Congregation was to have its own Secretary. He was originally chosen by the Cardinals themselves, but afterwards the custom prevailed of his being nominated by the Pontiff through the Secretary of State. In course of time, and with the accumulation of business, the

Secretary of a Congregation came to have assistant secretaries and other officials provided and assigned to him.

The Consultors also are not now chosen by the Cardinals. They are nominated by the Pontiff through the Secretary of State. The Consultors are selected from the ranks both of the secular clergy and of the religious orders. The Consultors have a *consultative* vote, but not a *deliberative* vote, in the Congregation. Their consultative vote is, however, to be reckoned as carrying with it great weight. The Consultors are held to form part of the Congregation. If they are Regulars, they are regarded as having their destination from the Pope himself to reside in Rome, and to form part of the Roman Curia. The Consultors give their services gratuitously. The Roman Congregations may also at times take the opinion or vote of the Sacred Rota, or of some other of the Roman tribunals. This vote is *consultative* only.

Since all business could not be conveniently transacted by the Cardinals of a Congregation in a body, there is in most of the Congregations a Cardinal Prefect. Of the Holy Office the Pontiff has reserved the prefecture to himself.

Every Congregation accepts the business offered to it, if that business is within its competence. There is nothing, however, in this

acceptance to prevent the business being, on further consideration, remitted to another Congregation. Some business is of grave character, and some is of less grave character. Some is extrajudicial, and some is judicial. On stated days, and generally at least once a week, the Cardinal Prefect along with the Secretary holds what is called a Congress, at which other officials are present. This is to expedite lesser matters, and to prepare matters of greater moment for a full assembly of the Cardinals. The Cardinal Prefect's Congress deliberates and determines whether a matter which has been brought forward is to be regarded as grave, or as less grave, and whether it is judicial, or is extrajudicial. The Cardinal Prefect and the Secretary apart, or outside a Congress, have power to decide such ordinary business as does not require any lengthened deliberation. Judicial matters are reckoned amongst grave matters, since they involve the rights of litigants, and care is taken that these rights shall not be damaged. Judicial causes are therefore to be decided by the Congregation of Cardinals in full assembly, as by a collegiate tribunal. All grave matters, whether judicial or extrajudicial, are reserved for the deliberation of all the Cardinals of the Congregation, unless the cases are clear on the face of them. Since it is, however, by

favour of the Pontiff that these affairs are expedited, they are taken by the Secretary, or by the Cardinal Prefect himself, to an audience of His Holiness.

Judicial business should be drawn up in judicial form, with the allegations and proofs of parties on both sides. Such causes very frequently come before the Roman Congregations *by way of Appeal.* In this case the processes of the first cause are examined, along with any supplementary documents; and the issue to be proposed will be that the sentence of the lower court of first instance is either to be confirmed, to be reversed, or to be modified. Sometimes, however, contested cases are brought *in the first instance* before Roman Congregations. The practice is then to remit the process of proof to be transacted before ordinary judges; and the result is thereafter submitted to the deliberation of the Congregation. It is to be observed that there is a marked distinction and difference between judicial argument and definitive decision. The latter can be come to without the clamour of a court, after tranquil examination of deductions which have been reduced to writing. What Sixtus V. and Innocent XII. ordained on this head was confirmed by Benedict XIII. The spirit of the Constitutions of those Pontiffs is still carried out in practice, as

far as it can be carried out at the present day. To this rule, as it affects the Roman Congregations generally, there has been an exception in the case of the Sacred Congregation of the Holy Office, and that from the date of its institution. On account of its special method of inquiry, which is conducted with the utmost secrecy, the process is drawn up by its own officials. Not unfrequently, however, the drawing up of the process is committed to the Ordinaries, with directions as to the procedure to be followed, and with an obligation to strict secrecy under oath.

Even when causes which have been already drawn up are brought for final and supreme decision to the Roman Congregations, they are nevertheless not decided before citation of the parties to the suit. These are summoned to appear either by themselves in person, or through their procurators, in order that they may agree on the issue or moot-point which is to be submitted for answer to the Congregation of Cardinals. Further arguments may also then be added to the case by either party; or exception may be taken by either party to arguments already brought by the other side.

In the Roman Congregations there is appointed a *Relator* or reporter of the cause. He is commonly a Cardinal, and is called the Cardinal

Ponent. There is an exception in the case of the Sacred Congregation for Interpretation of of the Council of Trent; in which the Secretary of the Congregation is the Relator. It is for the Relator or Ponent, as those names imply, to relate or set forth the cause in a full assembly of the Cardinals, and to give his own vote. This vote is a *deliberative* vote, if the Relator is a Cardinal; that is to say, if he is the Cardinal Ponent. If the Secretary is the Relator, his vote is *consultative* only. The Secretary afterwards refers to the Pope, for his confirmation, the deliberations of the Congregation in matters of moment. If the business is one which should seem to exceed the ordinary competence of the Congregation, the Secretary will petition for a grant of the necessary faculties.

If approbation and confirmation by the Pontiff has been added to the decision of the Cardinals, or if it is the Pontiff himself who has granted the favour which the Cardinals are of opinion ought to be granted, there is added to their answer the clause—'Having had a word with 'His Holiness.' This fact is also sufficiently expressed when the issue proposed is—'Is His 'Holiness to be counselled' to grant this or that? and when the answer is either Yes or No.

The deliberations of the assembly of Cardinals

of the Congregation are, *in respect of the Pope*, *consultative*, and this of the very nature of them. They amount to a *consultative* vote, as compared with a *deliberative* vote; and they are not put in execution without the assent and command of the Pontiff. Hence in the Acts of the Congregations mention is made of the Secretary's reference of the matter to the Pope, in these words—'And a faithful relation having been 'made of all these things to our Most Holy Lord 'by the undersigned Secretary, His Holiness,' &c.

When a contested cause, the process of which has already been sufficiently drawn up in judicial form, is proposed to a Sacred Congregation for settlement, whether as to a court of first instance, or by way of appeal, then after it has been deliberated in the Cardinal Prefect's *Congress* as to whether the case is to be accepted for decision, and after it has also been ascertained that the case is in reality a *judicial* case, it may be decreed that the cause is to be brought forward in *full assembly* of the Cardinals, and that the parties to the suit are to be cited to appear, in order that they may agree on the precise issue or point of doubt to be submitted for decision to the Congregation. This is what is meant by the decree—'Let it be placed on

'the Folio, and the parties cited.' The *Folio* is the official printed relation of the case.

Sometimes a cause is to be conducted *economically*—that is to say, with the vote of one or two Consultors, who take up the gratuitous patronage of the case—if the cause is one of importance, and if the parties are not able to employ an Advocate or Procurator. The Consultors are not, however, to play the part of an advocate, but are to act for the truth. This economic conduct of causes has place very often at the present day in the Congregation of the Council, when the petitioners in marriage cases are poor persons. A Summary of the petitions, as it is called, is drawn up, along with the grounds relied on, both of *law*, and of *fact;* and it is printed to be laid before a full assembly of the Cardinals of the Congregation.

Not only judicial business, but also extra-judicial business, must be drawn up in form. In order to prudent deliberation on any business matter it is necessary to have a previous knowledge which is full and accurate of the case in all its bearings both of *fact* and of *law*.

It is a general rule of the Roman Congregations that a case is not proceeded with until the proper Ordinary of the petitioner or, in the case of Regulars, the Superior General, or at

least the Provincial of the Order to which the petitioner belongs, has been heard. Information is sought from these Superiors, along with their views on the case. If the matter should concern third parties, there is added a clause in the mandate for information—'After hearing 'those who have interest.' This is a method or *style*, as it is called, of the Roman Curia.

6.

The Acts which proceed from Roman Congregations are of four kinds. In the first place there are Rescripts. These are issued at the request of some petitioner, or when someone has asked for counsel from a Sacred Congregation. Some Rescripts concern the granting of favours; and others the settling of contested questions. The latter, if they are issued to put an end to a judicial contention, have the special name of *Judicial Sentences*. This is given to distinguish these Rescripts from other Rescripts, since the word *Rescript* by itself has a general signification which includes both kinds of Rescript.

There are other Acts of a Sacred Congregation which do not proceed from consultation of the Congregation by private persons, but are issued by the Congregation in the exercise of its office, or of its own accord. These are

called *Decrees* of the Congregation. By means of them something is decreed with regard to discipline or law.

There are also *Epistles* of Sacred Congregations, as when either the Ordinaries or the faithful are admonished about some matter; or when there has been a request from the Ordinaries for a vote or animadversion by the Congregation on matters which are being pressed by petitioners.

The General Decrees which are promulgated by order of the Sovereign Pontiff have force of law in every land, as being Pontifical Constitutions. To this class belong the General Decrees of the Holy Office and of the Sacred Congregation of the Index, and the Decrees *Urbis et Orbis* which are published by the Sacred Congregation of Rites.

The interpretative declarations of existing laws, which are given with previous consultation of the Pontiff, and which consequently proceed from Apostolic authority—not merely in a general way in virtue of the communication of Apostolic authority to the Congregation, but in a special manner from the Pope's special approval—are *decisive* declarations, and have force of universal law. They bind both in the external forum and in the court of conscience, and that even if they have not been

published. It is sufficient to quote and appeal to them as to common law.

Benedict XIV. says that it is the special glory of the writings which he himself published before he was Pope that in them he had in no way departed from the judgments of the Roman Congregations. The Sacred Rota, which was the most illustrious of the tribunals of the Catholic world previous to the erection of the Roman Congregations, is particularly distinguished by its veneration for their judgments. It distinctly declared in a Rotal cause in 1725, that the resolutions emanating from the Sacred Congregations by way of universal law are everywhere to be observed in every point, and are to be received as laws in every tribunal; and especially in 'our own sacred auditorium' (of the Rota), with the reverence which is their due. The Dataria also has not seldom consulted the Sacred Congregations for its guidance.

A third class of Decrees consists of those given in causes which the Congregations have power to decide in virtue of their ordinary faculties; although, as matter of fact, they are always submitted for the sanction of the Sovereign Pontiff.

The fourth class of Decrees consists of those which settle matters which, of their own nature, or in virtue of usage, are transacted simply

through an audience of the Pope. '*From* '*audience of His Holiness*,' is a formula of frequent occurrence in Rescripts.

Rescripts are of various forms. With these forms there varies the authority of those who are to execute them. Rescripts may be addressed directly to the petitioners; but the Sacred Congregations are in the habit of sending them to the Ordinary of the diocese, or to some other man of eminence who is entrusted with the execution of them. Those Rescripts which bestow gratuitous favours are called *Privileges*; and, as Privileges are exemptions or exceptions from general law, they constitute a *particular* law for the person to whom they are granted. It is, for this reason, not expedient to grant Privileges to subjects without the knowledge of their local superior.

It is from the manner in which Rescripts are entrusted for *execution* that the various *forms* of Rescripts are derived. Some Rescripts are *in form of a grace*, or gratuitous favour. In this case the favour is granted directly to the person favoured; and there is no commission for *execution* of the Rescript. The words of form are—'The Sacred Congregation has benignly granted 'to the petitioner the grace asked for.' The executor of this form of Rescript has assigned to him

merely the bare ministry of executing the favour asked for; without any duty of judicial inquiry into the circumstances of the petitioner, or the opportuneness of the grant. He ought, however, to abstain from execution of the Rescript, if it is *notorious* that the favour has been surreptitiously obtained. In matters of notoriety there is no need of proof through judicial inquiry.

Rescripts are said to be granted in an *absolutely commissory form*, when the grant is remitted entirely to the judgment and conscience of him who is to execute it. In this case the words of form are—'The Sacred Congregation remits 'the prayers of the petitioner to the judgment 'and conscience of the Bishop, along with the 'necessary faculties.' By these words the favour is not yet granted. It remains dependent on the judgment of the Bishop. He has power to grant it, or to refuse it, as he shall judge before God to be expedient.

Rescripts are said to be granted *in a mixed form*, when the Sacred Congregation agrees to grant the favour, but under condition of inquiry by the executor of the Rescript into the truth of certain statements. The formula is then as follows—'The Sacred Congregation benignly 'consented, and therefore commanded it to be 'committed to the Bishop (or other executor) 'that he should grant to the petitioner the favour

'asked for, if the facts narrated are true.' In this case the executor cannot at will either grant the favour, or refuse the favour. He must put the Rescript in execution, if the petitioner's statements are found by him on investigation to be true. A Rescript of *mixed form* may also contain stipulation of certain observances as necessary conditions of the grant.

Who the executors of a Rescript are to be, may be discovered from the tenor of the document itself. The Roman Congregations are, however, as we have seen, generally in the habit of sending their Rescripts for execution to the Ordinary of the diocese. By the *Ordinary* is meant the Bishop and his Vicar-General. Either of them can execute the Rescript. If it should happen that the Bishop is open to suspicion, or if without reasonable cause he refuses to execute the Rescript, execution of it is committed to the Metropolitan, or to the nearest of the neighbouring Bishops. In matters which regard the government of Regular Orders, execution of Rescripts is committed to the Regular Superior, that is, to the General, or the Procurator General, or the Provincial.

In the case of *Sentences* given by Roman Congregations in contested causes, the general practice is that, at the instance of either party,

there is sent to that party an authenticated copy of the Sentence. For this he has to pay certain small expenses, some by way of tax, and some to defray the cost of printing the Folio of the cause, that is, the official compendium of the case. There are also sometimes certain extraordinary expenses, such as the fee to an expert, not being an official consultor, whose opinion the Sacred Congregation has thought fit to take. If the unsuccessful party acquiesces in the Sentence, and spontaneously submits himself for execution of it, nothing farther is required. If, on the other hand, the unsuccessful party resists execution of the Sentence, it is then in the interest of the successful party to demand from the local Ordinary execution of the Sentence as soon as possible. In any case it is always well for the Ordinary to have an authenticated copy of the Sentence, to lay up in his archives, for future reference, if need be.

The reason why Judicial Sentences by Roman Congregations are sent directly to those whom they concern, and are not sent to executors, as in the case of Rescripts which grant favours, is because, while Rescripts of the latter class create a particular or private law or right, *judicial* sentences do not grant any *right*, or create any *law*. They simply declare and interpret existing law.

Execution of a Judicial Sentence can be hindered only by lawful appeal, within a given time, and made in a given way, as laid down by common law. In the Roman Congregations appeal is called the *benefit of a new hearing*. This is because, since the Congregations are *supreme* tribunals, there cannot be any *appeal*, properly so called, to a higher tribunal. There can be only a new examination of the case by the same judges.

In order to hinder waste of time and money in unnecessary appeals, the Cardinals sometimes add to their Sentence the clause—'And 'further' (*et amplius*); or the longer clause which explains it—'Let not the cause be further, or 'again, brought forward.' *Ad amplius* is a technical term which was in use in the old Roman commonwealth. It was used by the Judges to announce the adjournment of the hearing of a case; and by the Senators when they gave their sanction to a proposal but made an addition to it The adjournment of a case by the judge to a day at his discretion was called *Ampliatio.* The same term, 'And further,' is used at the present day by the Senators of the Roman Pontiff, when they act as judges in the Roman Congregations. 'Yes, 'and further,' or 'No, and further,' are phrases which, as used by them, are stereotyped to

signify that, since the matter has already been sufficiently, and more than sufficiently, discussed in the Sacred Congregation, and decided as it stands by votes taken in full assembly, it will not be readmitted for further consideration.

7

Most events get into the newspapers now-a-days, and among them even Answers from the Roman Congregations. The average journalist as a rule misunderstands these Answers, or blunders over them. This is not surprising. The Answers cannot be read simply by the light of nature. It may be of service therefore, as well as of interest to our readers, to give the precise meaning of some of the laconic phrases, and sometimes even single words, which are all that the Sacred Congregations not seldom give by way of answer. The use of these words or phrases is neither an eccentricity, nor an anachronism. Every science and every art has its own terminology. It makes use of technical terms which are proper to it, and which cannot be transferred to other sciences or other arts without confusion and error, or at least danger of misleading. As dogmatic theology has its own doctrinal *tesseræ*, and as the scholastic philosophy has its own scientific terms,

so have the Sacred Congregations their own legal language. The meaning which underlies and is conveyed by every word of their phraseology is precise, ascertained, and definite. It is, as it were, crystallized. This precludes all need of lengthened statement, and of that circumlocution which is so often a seed-plot of controversy or of misinterpretation. In the fixity of their meaning the words in which the Congregations couch their answers are, for the initiated, as convenient as are code-words.

Decisions of an abstract question, or of some judicial contention, are given in form of answer to a question which has been proposed by way of doubt; and the answer may be a simple and final either Yes or No. Sometimes, however, this will not wholly satisfy either the demands of the question, or the intention of the judges, and they add the words 'To the mind'—or, 'In the manner'—or, 'So however.' These words indicate some condition, or limitation to the general answer; or, without touching on the merits of the question, have reference to the equity or prudence of execution of the decision, or to some adjunct of fact in a particular case. In this case the mind of the Congregation may perhaps be manifested to those only to whom it confides execution of its decree.

It is proper to the Sacred Congregations,

whether in settling questions of law in disputed cases, or in issuing general decrees, not to give the reasons on which their decisions rest. This is because, since the Congregations are acting directly in the name and place of the Pontiff, they are not bound, any more than the Pontiff is bound, to give reasons for their decrees. A reason for his government is not to be demanded from the supreme ruler in any society; and that whether the decree proceeds directly from the ruler himself, or from him through the intervention of other persons as his agents.

Sometimes, if the judges in a Sacred Congregation are of opinion that the cause has not been sufficiently drawn up in form for definite settlement, their answer is—'Deferred' (*Dilata*). Again, if either party to a suit is of opinion that other arguments ought to be added to the statement of the case, he may present a petition for delay, and the judges may grant it by answering —'Deferred.' When a Sacred Congregation has decided that a particular judicial cause ought not to be introduced, or that a particular favour is not to be granted, the formula of the refusal is—'Read,' or 'Read at the instance.' This means that the Congregation, having read the petition, rejects it. If the answer is—'Referred,' or 'Related,' it means that the Pontiff, on the petition being referred or related to him, has

given judgment that it should not be entertained. Sometimes the answer is—'Not expedient;' and sometimes a simple—'Nothing.'

If a Sacred Congregation holds that a contested case which has already been introduced is not to be proceeded with, or that certain documents which have been brought forward are not to be attended to, it may answer—*Reponatur*—'Let it be set aside.' An answer is not given to the question, but the petition is placed in the archives of the Congregation.

Sometimes to the formula, 'Deferred,' there is added the time to which the case is deferred, or the formula is—'Deferred to the next, without 'fail.' This formula means that the case is to be brought forward in the next general congregation, and that no further delay will be granted.

The following formulas in assigning dates are redolent of religion, and quaint in their simplicity. 'Deferred till after the Waters,' means till after the autumnal holidays. 'Till after the Kings,' means till after the Epiphany. 'Till after the 'Lambs,' till after Easter. 'Till after the Ashes,' till after the Carnival or Shrove-tide holidays. 'Till after the Fire,' means till after Pentecost.

Sometimes the Cardinals of a Congregation in full assembly do not wish to discuss and settle a case which has been brought forward, either because there is no time for an adequate decision,

or because it does not seem opportune, and then the answer is—'Not brought forward.' If the Cardinals, on the other hand, should wish the case to be more maturely examined, without addition however of any new matter either of *law* or of *fact*, and in the meantime to refrain from giving a decision, the formula is—'Let it 'be brought forward *with the same.*'

Sometimes the Cardinals are of opinion that a case ought not to be finally decided by them until after sentence has been given in a lower court, either of first instance or of second instance; and this they intimate by the answer —'To their own judges'—or, 'Belongs to the 'Bishop'—or, 'Let the petitioner refer the 'matter to the Bishop, and be guided by his 'judgment.'

It not unfrequently happens that as matter of fact a case has already been settled by previous decrees of the same Sacred Congregation, and then the answer is—'Let the Decree '(mentioning it) be given.'

If it should be expedient, in a matter of moment which has been very generally neglected, to make provision not merely for a particular case, but universally in similar cases, the answer is 'Let a General Decree be given.' If, on the other hand, the questions submitted are too general, and cannot be answered without

risk of doubts emerging in particular cases, the answer may be—'Will be provided for in 'particular cases.'

If a petitioner should ask for the recall of a decree which has already been issued by a Sacred Congregation, or for some alteration or modification of a sentence, either in whole or in part, the petition is in judicial cases made with a formula framed by way of doubt, such as—'Is the decision in the case to be stood by 'or departed from?' and the answer may be—'In the decision,' or, 'In what has been 'decided,' or, 'In the Decrees.' In that case the petition has not been heard; and if the case is brought up again will not be listened to. The answer may also be 'Yes, to the first part; No, 'to the second part'—or the reverse, as the case may be. In extrajudicial matters, the answers may be—'The Decree to be departed from'—or 'In the Decrees' or, 'Let the petitioner enjoy 'what is asked.' In this latter case the petitioner is to be content with what he has obtained; and an extension of it, or any fresh demand, will not be granted.

When petitioners ask for answers to questions which have been already settled, if not by authority, at least in practice, and from the received opinions of Doctors, a Sacred Congregation, in order that it should not have the

appearance of doing that which has been already done, will sometimes reply—'Let the 'petitioner use his own right'; or, if the Congregation does not want to give an authoritative doctrinal decision on the case—'Let him con-'sult approved authors'; those authors, namely, who are regarded in general estimation as grave and prudent, and who are as a rule quoted with commendation in the theological schools, and especially those authors who stand high in the common judgment of the Ordinaries.

8.

Having now given to our readers a sketch of the practical working of the Roman Congregations as a concrete fact of the present day, we have arrived at that stage in our consideration when it will be of service and of interest to return to observe with greater fulness of detail the evolution of those Congregations from the bodies which, existing for the same purpose, preceded them in order of time. We have already said that as Papal Consistories took the place of the Roman Councils, as means employed by the Popes for aiding them in their Pontifical government of the Universal Church, so were the Consistories themselves succeeded by the Sacred Congregations.

Three distinct periods stand out in ecclesiastical history as distinguished by three different methods of Papal procedure in Pontifical administration. There is the period of the Roman Councils—the period of Papal Consistories—and the period of Sacred Congregations. These periods mark three stages in a procedure which is homogeneous and one in its purpose, and which differs only in its means or methods.

During the first ten or eleven centuries of Christianity the Popes were in the habit of investigating controversies concerning the faith, and examining questions of discipline, in councils in which the suburbicarian or neighbouring Bishops, and other Bishops, took part. The priests and deacons of the local Roman Church assisted at these conciliar assemblies. To them the Roman clergy were called as a body. These are the *Roman Councils* of which we find such frequent mention in Collections of Councils. They were celebrated with various degrees of solemnity, as is evidenced by the varying number of names subscribed to them. These councils were presided over by the Pope, but they were nevertheless not *Œcumenical* Councils. There were no Œcumenical Councils in the West during the first ten centuries. All the authority of these Roman Councils was derived from the primacy of the Sovereign Pontiff. It

was he who in them gave judgment, which was without appeal, on the gravest controversies which concern the faith. Towards the end of the second century, in 196, Pope St. Victor held a Roman Council on the celebration of Easter. Origen was the occasion of a Roman Council in 237. Under St. Cornelius, in 251, a Roman Council of sixty Bishops excommunicated the Novatians. Under St. Stephen I., in 256, a Roman Council decided the question of the baptism of heretics. His successor, St. Sixtus II., held a Council which condemned the Sabellian heresy. Another under St. Dionysius condemned the doctrine attributed to Dionysius of Alexandria with regard to the Divinity of the Word. In the fourth century a Council of nineteen Bishops under St. Melchiades, in 313, gave judgment on the Donatists, and confirmed the Council of Carthage held in 312. Under St. Julius, in 342, a Council of fifty Bishops vindicated St. Athanasius, and another condemned Photinus. During the Pontificate of St. Damasus several Councils were held in Rome. The first of them, in 368, condemned Ursacius and Valens, and their followers. Another, consisting of ninety-eight Bishops, condemned Auxentius, the Bishop of Milan. The third condemned Apollinarius in 374, and a fourth condemned the heresies of the

Sabellians, the Apollinarians, the Eunomians, the Macedonians, and the Photinians. Under St. Siricius, in 386, a Roman Council of eighty Bishops made certain canons of discipline. The heresies of Nestorius and Eutyches gave occasion to several Roman Councils, under St. Celestine I., in 430, and St. Leo in 445, 446, 449, and 450. St. Hilary, in 462, in a large Council, gathered from various provinces, ordained that an annual council should be held, under the Bishop of Arles, to watch over the observance of the canons, and to send its 'greater causes' on to Rome for judgment by the Apostolic See. In 465, a Council of forty-eight Bishops made certain disciplinary decrees. Under St. Felix III. a Roman Council of seventy-three Bishops condemned Acacius, Bishop of Constantinople; and another Council of forty-two Bishops in 487, gave orders about the reconciliation of the re-baptized. During the Pontificate of St. Gelasius, in 494, the decree on the Canon of Scripture was promulgated in a Roman Council of seventy Bishops. There were four Roman Councils in four successive years, from 501, followed by others in 518, 531, and 532. In a Council of twenty-three Bishops, in 595, St. Gregory the Great granted privileges to monasteries, and promulgated several canons.

In 607, Boniface III. held a Council of seventy-two Bishops and thirty-three Roman priests. The deacons and all the Roman clergy assisted, and a decree was issued against those who, during the lifetime of a Pontiff, should discuss the question of his successor. Under Boniface VIII., in 610, a Roman Council of the Bishops of Italy made ordinances concerning monastic life and the priesthood of monks. The Monothelite heresy gave occasion to Roman Councils in 640 under John IV.—in 648 under Theodore —a Council of a hundred and five Bishops, in the Lateran, under St. Martin I. in 649—and another Council of a hundred and twenty-five Bishops in 679, under St. Agatho, which also considered the affairs of the Church in Britain. Several other Councils were held for various reasons during the same period. In 709, a Roman Council declared the innocence of our own St. Wilfrid of York of the charges made against him. In 721, St. Gregory II. held a Council of twenty-two Bishops in St. Peter's, and made canons with regard to marriage. In 731, St. Gregory III. held a Roman Council of ninety-three Bishops against the Iconoclasts. This was preceded by two Roman Councils on the same matter in 726 and 730 under St. Gregory II. In 743, a Roman Council of fifty nine Bishops under St. Zachary, prescribed

that Bishops should visit the Tombs of the Holy Apostles. Another Roman Council of seven Bishops, in 745, condemned two priests, Aldebert and Clement, convicted of heresy by a council in Germany. In 761, in a Council of twenty-two Bishops, St. Paul I. confirmed the foundation of the monastery of St. Stephen and St. Sylvester. In 769, a Roman Council was held under Stephen III. against the violators of the Roman See. In 799, there was another Roman Council of fifty-seven Bishops. In 809, there was a Roman Council under Leo III. on the addition of the *Filioque* to the Creed. Under Eugenius II., in 826, a Roman Council of sixty-two Bishops made a number of disciplinary decrees, which were confirmed in another Roman Council of sixty-seven Bishops, in 853, by St. Leo IV. During the Pontificate of St. Nicholas I. (858—867) no fewer than ten Councils were held in Rome. In two of these, in 863 and 865, he rescinded the acts of two local councils. In 868, a Roman Council of thirty Bishops was held by Adrian II. against the Photian schism. In the tenth century there was a Roman Council in defence of the Pope in 964, another against simony in 983, and another in 993 for the canonization of St. Udalric. During the Pontificate of Sylvester II. (999—1003), there

were two Roman Councils. St. Leo IX. (1049—1055) held Councils in various places, and five of them he held in Rome. In 1059, there was a Roman Council of a hundred and twenty-three Bishops, which issued ordinances with regard to the election of the Pope, continence, simony, matrimony, and certain matters of discipline. Nicholas II. held another Council in the spring of the following year in the Lateran Palace, at which religious Abbots and clerics of various orders were present, besides many Bishops. During the Pontificate of St. Gregory VII., eight Councils were held in Rome.

Here then we have a continuous chain of Councils during the thousand years which form what we have called the first period or stage of Papal procedure in the Pontifical government of the Universal Church. We observe that the number of Bishops varies greatly, and from the names subscribed we learn that the Councils consisted not only of neighbouring Bishops, or of the Bishops of Italy, but of Bishops from the remotest provinces of the Christian world. Their presence in Rome on business of their own would account for their assistance at the Councils. These Roman Councils were not therefore *Provincial* Councils, nor were they *Primatial* Councils for the whole of Italy, and

they were not *Œcumenical* Councils. They had a special character of their own, which clearly distinguished them from all other ecclesiastical assemblies. St. Felix, in his letter of deposition of the then Patriarch of Antioch, speaks of it as done 'by Me, and by those who along with Me 'rule the Apostolic Throne,' the priests and deacons of the local Roman Church. Pope Siricius also speaks of his answers to applications made to him for counsel, as being given by him 'in the assembly of the brethren.' These petitions for direction and advice were of frequent occurrence during the early centuries. The Bishops and the faithful from all parts of the world were constantly bringing their 'greater 'causes' on both faith and moral discipline to the Roman Pontiff, as to the Head of the Mystical Body of Christ, the Universal Church. St. Innocent I., in 417, speaks of answers emanating from the Apostolic source to all provinces, for those who ask for them. He says of those letters of answer, that they are given with faithful and methodical deliberation. This 'methodical' discussion of which he speaks was not that of a General Council. He refers to the counsel which he took with certain of his clergy before giving his decisions. St. Celestine I. speaks of the diverse businesses which are 'always coming to Us from all the Churches.'

St. Leo speaks of the references made from Gaul to Rome as innumerable. He says that, although the Pastors there preside each one over his own flock with special solicitude, and know that they shall have to give account for the sheep entrusted to their care, yet nevertheless he had a common charge with all of them, and that there is nothing the administration of which is not part of his labour. He declares that he feels the weight of the burden laid upon him by the recourse of the entire world to the See of the Blessed Peter, and by the love of the Universal Church which the Lord commended to that Apostle. In exercise of their right, the Roman Pontiffs from the earliest times issued their Decretals or Decrees, to confirm the faith, to restore or establish discipline, and to give judgment in controversies. St. Innocent praised the Africans for following the rule observed by all the Churches of consulting the Apostolic See, in order to know what they ought to believe in the difficult questions of their time.

Both East and West consulted the Roman See on account of its *primacy* derived to it from St. Peter. They came to the Roman Church, said St. Siricius, as to the head of the body. From St. Jerome we learn that, during his sojourn at Rome, he was assisting Pope Damasus with his correspondence in answering questions both from

East and West. The Emperor Justinian says also that all things which concern the unity and state of the Church should be carried to His Blessedness the Pope of Old Rome, because he is the head of all the most holy priests of God.

History makes no mention of any other Church with a like authority to that of Rome, or from which the unravelling of ecclesiastical entanglements was sought. It is true that particular Churches sometimes lent assistance to each other by mutual counsels; as did those of Lyons and Vienne when consulted by the Churches of Asia and Phrygia. Metropolitans also were frequently consulted by their Suffragans; and the Vicars of the Apostolic See by the Metropolitans. Sometimes also those Bishops who were in great reputation for their learning were consulted by their brethren. Bishops, however, rarely concerned themselves in the affairs of dioceses other than their own. The Apostolic See, on the other hand, had the singular prerogative of being consulted and invoked as judge on matters of the gravest nature; and that not by one or two Bishops only, but by the whole Christian world. This See was resorted to not so much by reason of the merit of the individual Pontiff, as by reason of the *authority* of his See. If the Pontiff consulted had died in the interval, his successor

gave the answer; regarding this as his proper business, and as a matter belonging to his See. The Sovereign Pontiffs were always in the full and firm persuasion that the Supreme Pastor had laid on them the oversight of the Universal Church. They were conscious of the fact that it was for them to enforce observance of the regulations and statutes of synodal canons, when these had been trangressed through ignorance, or negligence, or the spirit of innovation. They were ever instructing the ignorant, rousing the lax or indolent to zeal, and suppressing novelties. When their advice and exhortation and menaces were without effect, they punished the rebels in order to their reformation, and for an example to their neighbours. The Decretals and Answers of the Sovereign Pontiffs remain as proofs of the power which they held and exercised throughout the Universal Church. The autographs of the Pontifical Decretals were preserved in the archives of the Roman Church, as were the Memorials to which the Decretals were in answer.

9.

The second period or stage of Papal procedure in Pontifical government of the Universal Church is the period of the Consistories.

From about the eleventh century the Popes ceased, as a general practice, to assemble *Roman* councils. The increase in the number of cases carried to Rome, which was in proportion with the increase in the numbers of the faithful, caused the Roman councils to fade gradually into desuetude; and cases came more and more to be discussed in the Senate of the Sovereign Pontiff, or Consistory of Cardinals. Ecclesiastical jurisdiction began to be administered by the Cardinals at Rome, and throughout the Christian world. To preserve, however, some trace of the ancient practice, in the presence of Bishops in the Roman councils, the Pope enrolled the suburbicarian Bishops in the College of Cardinals. Hence it is that the Sacred College is composed of Cardinal Bishops, as well as of Cardinal Priests and Cardinal Deacons to represent the Roman clergy. Leo IV. had already ordained that the Cardinals should assemble twice a week in the Apostolic Palace to discuss matters of discipline. John VIII. renewed this ordinance in 882, and prescribed in addition to it that the Cardinals should assemble twice a month in one of their titular churches, and discuss questions of reformation of both clergy and people, receive the complaints of both clergy and laity, and settle differences and disputes, after the manner of

the seventy ancients or elders who did justice under Moses. He says that the Cardinals of the Roman Church fulfil the same office with respect to the Roman Pontiff, as the seventy elders fulfilled with respect to Moses in the Synagogue. This comparison is of frequent occurrence in the writings of the following centuries; and notably in the celebrated letter of Eugenius IV. with regard to the precedence of Cardinals over Bishops; and in the Bulls of Sixtus V., which fixed the number of Cardinals at seventy, and erected the Sacred Congregations. Eugenius IV., in writing to the Archbishop of Canterbury to prove the precedence of Cardinals over Bishops, says that, as assistants of the Sovereign Pontiff, Cardinals are the judges of Bishops; and that, with dependence on the Pontiff, the Cardinals rule the Universal Church. The Council of Trent declares that on the counsel of the Cardinals to the Pontiff there rests the administration of the Universal Church.

Custom extended the ordinance of Leo IV., and the Cardinals came to assemble thrice a week, instead of twice a week, in the Apostolic Palace; and causes were transacted with intervention of the advocates and procurators of parties. Thereafter the Pontiff, having taken the advice of the Cardinals, gave his decision.

After the erection of the Sacred Congregations the judicial proceedings proper to contested causes were banished from the Consistories; and only matters of Pontifical policy and Papal favours were discussed.

Innocent III. gives testimony to the marvellous ability, acuteness, and prudence with which the Consistories discussed the smallest matters. The sentences given by the popes in Consistory form great part of the Canon Law, as we find it in the Decretals.

Besides the ordinary Consistory, there was held sometimes an extraordinary Consistory. This is also the case at the present day. The ordinary Consistory is secret, or private, and consists only of the Cardinals with the Pope. An extraordinary Consistory is public, and admits of the presence of Prelates, Ambassadors of Christian Princes, and other persons.

During this second period or stage of Papal procedure, from the tenth century to the sixteenth century, the Consistory was the ordinary audience in which the Pope transacted the bulk of administrative business in universal government, with the aid and counsel of his Cardinals. This accounts for the frequency of the Consistories. They met ordinarily on Mondays, Wednesdays, and Fridays. The feasts on which they did not meet were very much the same as

those on which the Sacred Congregations do not meet at the present day. It is to be observed that the function of the Cardinals in Consistory was simply that of counsellors. The Pontiff gave the decision.

During this period Cardinals were frequently sent as Legates to various provinces of the Christian world, to exercise Apostolic power, as representing the Pontiff. His person, by a fiction of law, they were held to 'carry with 'them.' At Rome, on the other hand, the Cardinals had no more than a *consultative* voice. The erection of Sacred Congregations was to bring to the Cardinals who compose them more extended prerogatives. In the Roman Congregations the Cardinals sit as *judges*. The Pontifical authority is placed in the hands of the Cardinals for the *decision* of causes. Although before execution of their judgments the Cardinals consult the Pontiff, they are nevertheless in the exercise of *ordinary* jurisdiction, the character and objects of which have been determined by Apostolic Constitutions. Consistories now take place but rarely, and at the pleasure of the Pope.

If the causes brought to the Sovereign Pontiff from the ends of the earth were innumerable during the first ages, what must they not have been in later ages when the faithful had increased

and multiplied. There were certain causes which were not in the habit of being brought before the Consistories, but were investigated and expedited by the Pope and his chaplains in the chapel of the Palace. Hence it is that those chaplains were called Auditors of the Sacred Palace. It was for them to draw up a statement of the reasons adduced by the parties before setting the case before the Pope. When the Sacred Rota was established as a tribunal outside the Apostolic Palace, it represented the old Pontifical Chapel, and its Auditors continued to be regarded as *delegated* judges, and not as judges with *ordinary* rights. They exercised a delegated jurisdiction in virtue of commission from the Pontiff, which assigned to them the examination and decision of the causes. Hence arose a mode of practice invariably observed by the Rota in every age of its existence. In this court there are no *libelli* for the introduction of causes, such as there are in other courts. In place of a *libellus* or written charge against the accused person, or written statement on the part of the plaintiff, the Rota receives a commission which relates the tenor of the petition presented to the Pope, in which the petitioner sets forth his grounds of action. The Auditors of the Rota did not at first sit as *judges*. Having received the complaints, and taken informations, and

heard the allegations of parties, they made a report on the whole matter to the Pope in the Chapel of the Palace, and he thereupon gave judgment. Later on the Pontiff bestowed on the Auditors of the Rota the power not only of investigating, but of themselves *deciding* certain causes, in their capacity as a collegiate body. Being called on to transact causes of the Universal Church, the Auditors of the Rota were selected from all nations, so that among them there should be some who had knowledge of the manners and customs of the various nations. Their number was for a long time not fixed. The Pontiff made more or fewer in accordance with existing needs. There have been sometimes as many as twenty. There were fourteen in the time of Sixtus IV., a German, a Frenchman, two Spaniards—on account of the separate kingdoms of Castile and Aragon, which were not then united — and the rest Italians. It was Sixtus IV. who limited the number to twelve.

It was the constant practice of the Auditors of the Rota not to admit the presence of advocates and procurators at their deliberations. They made their investigation by themselves with closed doors. They were supposed to be sufficiently instructed on the case by means of the informations already drawn up by the advocates and procurators of the parties. For

falsehoods in the statement of facts, or in allegations of right, the parties had their remedy in the right of reply. An opportunity for this was always given to them in good time, and several days before the bringing forward of the cause. During the period of the Consistories there were brought to the Sacred Rota spiritual causes from all parts of the world, questions of immunity, ritual, favours, and other cases which are to-day transacted by the Sacred Congregations. The Auditors of the Rota had for a long time the reporting of processes of canonization. This they lost through the decree of Urban VIII. which regulated the details of the procedure in these causes. The Rota never gave judgment in criminal matters.

Besides spiritual causes, the Auditors of the Rota had also a great number of civil causes which concerned the States of the Holy See. Up to the sixteenth century, however, they judged a far greater number of spiritual causes which concerned the Universal Church, than of civil causes which concerned only its temporal princedom. In this the institution of the Sacred Congregations made a great change. The change is to be accounted for not merely by the falling away of various nations into heresy and schism; or through the political action of princes who would not permit causes

to be taken outside their own dominions; or from the fact that in the interval points of law had been cleared up which were formerly obscure; but also and chiefly from the rise and progress of the Roman Congregations. The Congregation of the Council, the Congregation of Rites, the Congregation of Bishops and Regulars, and the Congregation of Ecclesiastical Immunity, now decided many causes summarily and extrajudicially which were formerly transacted by the Rota with judicial forms.

Although the Auditors of the Rota gave judgment by special delegation of the Pontiff, far from being above the Sacred Canons and Apostolic Constitutions, they had to give sentence in precise conformity with the rigorous prescriptions of the law. It was the prerogative of the Sacred Congregations, invested with Apostolic authority, to be able to sometimes set aside the rigorous rules of law, and to terminate disputes by prudential methods.

The Rotal decisions have never been reckoned as Papal sentences. They have not made law for inferior tribunals. They have always, nevertheless, had great weight with the lower courts, and are held in the highest veneration from the reputation of the Auditors of the Rota for both scientific knowledge and moral integrity.

The costs of processes before the Rota were

always most moderate. They were subject to strict taxation. Litigants were at no expense for the judges. There were certain fixed emoluments for the notary who was Registrar of the Acts, and honoraria, or fees, for the advocates, procurators, solicitors, and copyists. The assistant of the Auditor Ponent got two scudi (8s.) from the successful litigant on communicating to him the sentence in his favour.

In ordinary causes before the Rota judgment is given not by all the Auditors, but by one of the Auditors, and in accordance with the majority of votes given by four other Auditors. A cause is given to one of the Auditors in turn, and in determining the decision and sentence in the cause committed to him he has to follow the votes of the four Auditors who sit next after him on his left. The Auditors all sit in the fixed order of their seniority, so that, as soon as a cause has been committed to a particular Auditor, it is seen who are the four by whose votes it will be decided. If the cause thus judged by those five Auditors is appealed against, it is assigned to another Auditor, taken in his turn, and he judges it with the four Auditors who are seated on his left. Hence the five judges who decide the cause on appeal are different from the five who decided the same cause in the first instance.

In this way there is not appeal from the same to the same. Although ordinarily judgment is not given in a cause by all the Auditors, yet this is sometimes the case. It is so whenever it is expressed in the document of commission of a cause to the Rota that it should be *seen by all*. In this case there is no appeal.

In order to obtain a commission for the trial of a case by the Rota, a petition ought to be written in Latin by the party who desires this. If it is a cause of first instance, the petition should contain the name of the diocese, and a specification of the grounds of action. In a case of second instance, it should contain the sentence that was pronounced and that is appealed against. There is a revisor of these petitions in the Sacred Palace; and it is for him to procure the addition of the appropriate clausulæ either by the Cardinal Prefect of the Signature or by the Auditor of the Apostolic Chamber.

When the petition has been signed as granted by the Pope, it is handed to that Auditor of the Rota whose turn it is to undertake the charge of a cause. After the notaries of the Rota have published the citation to those who have interest in opposing the commission, and if no one reclaims within a certain fixed time, the cause is held as introduced into the Rota, and is said henceforth to depend in the Rota. The Auditor

who has charge of the cause procures a statement of doubts; namely, whether such and such a law as is alleged by the litigant is or is not really in his favour. If both parties are agreed on this statement of doubts, it is subscribed by that Auditor, and is then set forth in the Rota for decision. If the parties are not agreed, the Auditor relates this, and the Rota then decides whether the doubts are to be proposed in this way or otherwise. When the issue to be determined has thus been settled or agreed on, a time is assigned to the parties within which to prepare their defences or pleadings, drawn up in writing by their procurators and advocates, to be handed to those of the Auditors who are to give judgment. The Auditor in charge of the case, and who is called the Ponent, or Relater, sets forth anything that has to be said with regard to the process and documents in his hands. Then each one of the four discusses the case, and gives his opinion, and the votes or suffrages are delivered in writing to the Ponent, who himself has no vote. He gives the decision in accordance with the majority of votes, and it is then published and delivered to the parties.

The Rotal Decisions are not sentences, but are only a compilation of the counsels of the Auditors; which are made known to both parties

by the Ponent, in order that before sentence is given they may make any further statement of fact or of law, either for confirmation or for revocation of the Decision. These Decisions are therefore not unfrequently departed from, on farther elucidation of the question. They are extra-judicial, and are made in order to investigation of the truth. The procurators then draw up a schedule of the sentence, and this a notary hands to the Ponent for subscription, and he examines it to see that it is accurately couched in juridical style, and in precise conformity with the decisions. When subscribed by the Ponent, it is published by the Notary.

In the case of causes committed by the Pope to a Sacred Congregation, or to some other tribunal, and when these causes are very grave, and at the same time very difficult, the Pope sometimes commands that they should not be decided except by the vote, or with the vote, of the Rota. No judicial action is taken in the Rota in these cases, but only extra-judicial informations in order to the subscription and discussion of the doubts submitted; in the same way as in the case of causes directly committed to the Rota, except that here the Ponent is the first to give his vote on the case. The same procedure is observed in all other cases in which the Pope, or a Sacred Congregation, or

the Datary, or any other tribunal, takes the opinion or vote of the Rota. The Rotal decision is delivered to the judge in question, and he will take care to give sentence in conformity with it; otherwise his sentence will be null and void, if the commission of the case to him has ordered him to proceed *by the vote* of the Rota. If the clause in the commission was only *with the vote* of the Rota—and this is usually the case where the Sacred Congregations are concerned—the vote of the Rota is not always followed, and is even sometimes sent back to the Rota for revision.

Every Auditor of the Rota is bound to secrecy as concerns both his own vote and the votes of the other Auditors, and all said and done in collegiate assembly, and this he has to swear. The Auditor of study—who is that man learned in the law whom an Auditor of the Rota employs to aid him in the study of the cause—is equally bound to secrecy. He takes an oath to this effect in the hands of the Auditor who employs him, before he is admitted to this study.

The Auditors of the Rota serve the Pope also as Chaplains, and as Apostolic Subdeacons. This is both a right and a duty. One of the Auditors in his turn serves as subdeacon when the Pope celebrates with solemnity. The Dean

of the Rota always carries the Pope's Mitre. Two of the senior Auditors assist while the Pope is vesting, and two hold up his vestments. The rest, in rochet and cotta, stand by in readiness to do what may be appointed for them by the Master of ceremonies. When the Pope does not celebrate in person, but only assists at a celebration, the Auditors of the Rota do not serve the celebrant as subdeacons. The last of them only carries the chalice. The Dean of the Rota and the other four serve the Pope in rochet and cappa as before mentioned.

In virtue of custom some of the Auditors of the Rota intervene as Consultors in several of the Sacred Congregations.

A great number of Bishops, Archbishops, Dataries, and Nuncios have come forth from the ranks of the Sacred Rota.

The Auditors have right to a violet cassock, and to a hat trimmed with the same colour, as well as to the cappa, mantelletta, and mantellone, in accordance with the various functions, and to wear the rochet openly and in public, wherever and in presence of whomsoever they may be.

Auditorship of the Rota is vacated by death or by promotion, not only to the Cardinalate, but also to Patriarchal, Metropolitan, or Cathedral

Churches. When made a Bishop, and thus a brother of the Pontiff, an Auditor thereby ceases to be a Pope's Chaplain, and so ceases to be an Auditor of the Rota.

The Papal Consistory and the Sacred Rota, during this second period or stage of Papal procedure in Pontifical government of the Universal Church, which succeeded the period of the Roman Councils, were not the only institutions for expediting ecclesiastical affairs. There were also the Penitentiaria and the Dataria.

In 1338, Benedict XII. laid down the rules which still in great measure regulate the Penitentiaria; and prescribed the gratuitous conduct of its transactions. The Penitentiaria had formerly great part of the business which the Secretariate of Briefs and the Dataria expedite to-day. Pius IV. relieved the Penitentiaria of all business which concerns the external forum; leaving to it that of the internal forum, or court of conscience. The Penitentiaria, however, sometimes grants dispensations of public matrimonial impediments in the case of those who sue as poor persons, or for special reasons approved by the Pontiff.

The Dataria does not seem to have existed farther back than the existence of Apostolic

reservations. These reservations gave occasion to the establishment of the Dataria. Nominations to vacant benefices, bestowal of which had been reserved to the Pope, were not made publicly in Consistory. They were made by way of answer to petitions; and these answers were signed by the Pontiff with his own hand. Hence the need for some one in the confidence of the Pontiff to take charge of and to expedite these documents, and as a secretary to take note of the dates of them, so as to prevent disputes about other previous grants or subsequent grants. From the form *Datum Romæ*—Given at Rome on such and such a day—it may be that the name of this court was originally derived; if it was not derived from the obsolete or rare Latin word *datare*, to give away. The two opinions have each of them their likelihood. The official at the head of the Dataria was an Auditor or Counsellor of the Pontiff in matters relating to reserved benefices in the gift of the Pope, examining as to whether a particular benefice was really reserved, and investigating with the aid of his assistants the nature of the benefice, and the claims and deserts of applicants. When the Datary is a Cardinal, he is, as we have seen, styled the Pro-datary.

The tribunal of the Penitentiaria can be

approached by any one, and on any day, either through an agent or in person, or by letter. Although the office is not open on Sundays and feasts of precept, yet if a case is urgent the officials can be seen at their private houses. There are no special agents through whom business before this tribunal must necessarily be transacted. All the officials of the Penitentiaria are ecclesiastics. It is their duty to receive petitioners, and, if necessary, to write out their petitions for them, and that gratuitously. All rescripts are expedited gratuitously, and no one of the officials can receive any remuneration from a petitioner, even in a case which involves more than ordinary labour. Hence it is that the Rescripts of the Penitentiaria are marked *Gratis*. The only exception is in the case of rescripts regarding matrimonial impediments which belong to the external court. For these there is a small tax, and this is remitted by the Penitentiaria to the office of the Apostolic Dataria. The reason is because these dispensations, as belonging to the *external* court, ought to be obtained through the Dataria, and it is only by special grant that faculty is given to the Penitentiaria for the benefit of poor persons. Poor petitioners who are thus saved from greater expenses should have a certificate of the reality of their poverty from their Ordinary.

Letters to the Penitentiaria may be written either in Latin or in the vernacular of the writer, but his name and address, including not only the town but the diocese or province, should be written clearly and distinctly in the vernacular. Letters may be addressed, either to His Eminence the Cardinal Grand Penitentiary, or to the Sacred Tribunal of the Apostolic Penitentiaria, or to some official of that tribunal.

When the dignity of Archdeacon of the Roman Church was suppressed towards the end of the eleventh century, the Pope committed the administration of the Apostolic Chamber, which he had been in the habit of transacting with the aid of certain clerics, to a Cardinal Chamberlain. This Cardinal in course of time and by degrees succeeded to the old power of the Archdeacons as regards the temporal government of the City and district of Rome. His power also further extended itself to causes of the external forum brought to Rome by way of appeal from the judgments of local Ordinaries and Metropolitans. These being 'minor causes,' the Pope did not wish to transact them in Consistory, or in the Chapel of the Apostolic Palace. He remitted them therefore to the tribunal of the Cardinal Chamberlain, who was the Vicar of the Pontiff in criminal causes. Among the assistants of the

Cardinal Chamberlain was an Auditor of the Chamber, a Vicechamberlain or Governor, and a Treasurer. When the Pope reserved to himself the nomination of these officials the Cardinal Chamberlain lost much of his importance. Even at the present day, however, he has his old authority during a vacancy of the Apostolic See. On hearing that the Pope is dying the Cardinal Chamberlain has the right to enter the Pope's chamber to ascertain whether he is alive or dead, and, if death is imminent, to set guards to the Palace. The examination of the corpse is made in his presence. To him is given the Fisherman's Ring to destroy, or so to deface as to prevent all further use of it. He also enters on administration of the Apostolic Palace, and distributes its various offices among the Clerics of the Apostolic Chamber. Finally, it is for him to make provision for the Conclave.

During the first period or stage of Papal procedure in Pontifical government of the Universal Church, an immense mass of business was brought from all quarters of the Christian world for settlement by the Roman Pontiff. In the Register of St. Gregory the Great there are about eight hundred and fifty letters. During the second period, from the eleventh to the sixteenth century, the business increased and

multiplied. In the Decretals of Gregory IX., the Pontiff appears as appealed to as arbiter or as judge, exercising his solicitude over the whole Flock of Christ, coming to the succour of the oppressed, supporting the worthy, settling controversies, a bulwark of faith and discipline against all forms of vice and error. There are four hundred Letters of John VIII., and five hundred Letters of Gregory VII., and no fewer than two thousand Letters and Bulls of Alexander III. These are only those that remain. One province alone gave occasion for five hundred Letters. This mass of business supplies the reason for the institution of the various Tribunals of Rome, such as the Penitentiaria, the Rota, the Dataria, and the Clerics of the Apostolic Chamber, besides the Consistory in which the Roman Pontiffs themselves gave judgment on the 'greater causes.'

During the second period there were General Councils held in the West. In those Councils the Pontiffs presided in person, as they had presided in the General Councils held in the East by means of their Legates. From the time of Gregory VII., we hear but little more of the *Roman* Councils, which were of such frequent occurrence during the first thousand years of Christianity. During the next four

hundred years which, roughly speaking, form the second period in Papal procedure, the Roman Pontiffs governed the Universal Church in four ways—by means of General Councils and particular Councils—by means of Consistories, as regards those graver matters which are called 'greater causes'—by means of Cardinal Legates, the character of whose Apostolic authority and Ordinary jurisdiction throws its light on the character of the same authority as exercised by the Cardinals in the Sacred Congregations at the present day—and by means of Tribunals and Audiences in matters of less importance, and in 'lesser causes.'

The third period is that of the Sacred Roman Congregations.

10.

The Fathers of the Council of Trent expressed their fullest confidence in the Sovereign Pontiff with regard to means to be taken for God's glory, the interests of Christian nations, and the tranquillity of the Church. Among various proposals and suggestions made by, among others, the Venerable Bartholomew of the Martyrs, was one, that the Pope should select certain of the most experienced of the Cardinals to lend special aid in the government of the Universal Church, in place of the Consistory to

which all the Cardinals had right of entrance—and that these Cardinals should have each of them a certain fixed revenue of equal amount from the Patrimony of St. Peter; so as not to be dependent for their subsistence on any king, ruler, or commonwealth, but chosen as the best out of all nations, with greater freedom in their counsels to the Pontiff. The Council made no law, but the expression of its wishes seems to point in the direction of the erection of Cardinalitial Congregations. The Council made a law, as it fell within its competence to do, with regard to Dioceses. This law foreshadows the form which the erection of the Roman Congregations was to take.

From the ancient Decretals we learn that the Canons of every Cathedral Church formed the senate of the Bishop, as the Sacred College of Cardinals was the Senate of the Pontiff. The Decretals ordained that the Bishop should avail himself of the counsel of his Chapter in all grave and difficult matters; and in so doing follow the example of the Pontiff, who listens to the advice of his Cardinals in the Consistory. A Decretal of Alexander III. says that the Bishop and his Canons form one body, of which he is head and they are members; and that the Bishop ought not to pass over his members, and take the counsel of other persons in the

business of his Church. While the Council of Trent confirmed this ordinance, it at the same time erected, in addition to the Cathedral Chapter as the council of the Bishop in grave and difficult affairs, several commisions or subsidiary congregations. These had distinct functions assigned to them. One commission, consisting of two canons, was to be for the direction of the Episcopal Seminary. Another commission was to be for temporal administration. It was to consist of four members, nominated for life, two to be taken from the chapter, and two from among the clergy of the episcopal city. Another commission was to be for the examination of candidates for ordination. It was to consist of priests and prudent men, well skilled in divine and ecclesiastical law. There was to be also a commission of Synodal Examiners for the examination and approving of subjects for institution to parish churches. This commission had a right of *decisive* sentence for either approbation or exclusion. The other commissions had simply a *consultative* vote.

It was not for the Council of Trent to occupy itself with the form which the administration of the Universal Church should take at Rome; but in its regulations for diocesan order we see a foreshadowing of what the Sovereign Pontiffs were themselves to do. The same necessity

which gave birth to diocesan congregations was with still greater reason to give birth to Roman Congregations. As the diocesan congregations were the offspring of the Cathedral Chapter, so were the Sacred Congregations to be the offspring of the Papal Consistory.

Twenty years before the close of the Council of Trent (1545—1563), Paul III. had in 1542 already instituted the Congregation of the Holy Office. It was the first of the Roman Congregations in order of time, and also of importance from the functions assigned to it, which concern the faith. To discover heretics, and to procure their conversion, or to punish their criminal obstinacy, and to deliver Christian countries from heresy, is certainly a most holy office; since heresy is *lese-majesty* against God, and does vital damage to Christian society. Hence the name of Holy Office, which was given to the Roman Congregation of Supreme and Universal Inquisition.

From the twelfth century, on account of the spread of heresy in the West, and even in Italy, the Pontiffs had appointed Inquisitors against heresy. Innocent III., on occasion of the Albigensian heresy, and by advice of St. Dominic, established a tribunal of inquisition. Gregory IX. entrusted the duties of it to the Dominicans. The same function was afterwards extended by

Innocent IV. to the Conventual Franciscans. Hence, gradually, and as by mandate of the Apostolic See, local tribunals of inquisition grew up in several dioceses. This in no way lessened the Bishop's right of inquisition with regard to heresy, but rather strengthened it. Even since the institution of the Sacred Congregation of the Holy Office, the Bishops are regarded as being by birthright inquisitors for their own dioceses. In the sixteenth century, when Lutheranism was rampant, and sought to invade Italy, still greater vigilance was seen to be demanded. Among the proposals made in the Council of Trent, by the Venerable Bartholomew of the Martyrs, was a formal request for the establishment of an Inquisition at Rome against Lutheranism, against those who harboured doubts of the immortality of the soul, and against magic and divination. Paul IV. felt that, otherwise occupied as he was, he could not by himself do all that was necessary to uphold the faith, and in particular to save Italy from Lutheranism. He therefore established in 1558 six Cardinals as General Inquisitors in the Universal Church, with extensive faculties. His successors increased the number of Cardinals, and in 1588, Sixtus V. gave them still farther form and stability, with all power and authority, against the crimes of heresy,

schism, apostasy, abuse of sacraments, and all other crimes which carry with them suspicion of heresy. He placed the Sacred Congregation of the Inquisition in the first rank among his fifteen Roman Congregations, and the Pontiff himself was to be its President. On this Congregation there are at present eight Cardinals.

On the Holy Office, as on a Supreme Tribunal, depend all other tribunals of inquisition wherever they exist. Hence its name of *Universal* Inquisition. Inquiry into a case of heresy, or suspected heresy, is sometimes committed by the Apostolic See to the Bishop of a diocese, and more frequently there is devolved on him the construction of the process. In either case the Bishop's jurisdiction is *delegated*, and he cannot go beyond the limits of his mandate.

The Sacred Congregation of Cardinals Interpreters of the Council of Trent was the second of the Roman Congregations in order of time. It owes its origin to Pius IV. in 1563. He erected it with eight Cardinals. Amongst the first set was St. Charles Borromeo. They were to execute and enforce observance of the decrees of the Council of Trent. That Council had foreseen difficulties in the way both of the execution of its decrees, and of the interpretation of its decrees. It had also expressed

its confidence that the Roman Pontiff would provide for both difficulties; either by calling to Rome men from the nations in which the difficulties arose, or otherwise, as he should judge to be most fitting and advantageous. In the judgment of Pius IV., the best way was to establish a Sacred Congregation of Cardinals. This Congregation has always had in it some foreign Cardinals resident in Rome, who are conversant with the state and needs of the various nations. It moreover takes care to procure information from the local Ordinaries. To their judgment and reports it gives great weight.

Pius IV. at first gave commission for execution only, and not for interpretation The Cardinals were, moreover, to refer to the Pontiff all doubts which should arise with regard to the meaning of the Trent Decrees. Before this time it had been forbidden for any one to issue commentaries, glosses, annotations, or scholia on the Decrees of the Council. This was to prevent the making of such private glosses as had been made on the Decretals in the Corpus Juris. Since it was almost impossible, however, to execute the Decrees without giving some explanations of the meaning of them, this Congregation from the first gave certain interpretative decisions. These interpretations were all

the more esteemed from the fact that the Cardinals who then composed the Congregation had themselves assisted at the Council of Trent, and were therefore familiar with the true sense and meaning of the letter and spirit of the Decrees. The Congregation of the Council at present consists of twenty-seven Cardinals, under a Cardinal Prefect, The Secretary is ordinarily a Bishop. He is thus the equal of the Bishops to whom he has to send the orders of the Congregation.

Sixtus V. finally, and more expressly than any of his predecessors, gave to this Congregation ordinary or official authority to *interpret* as well as to enforce execution of the disciplinary Decrees of the Council, but not the Canons and Dogmatic Chapters. The interpretation of these the Pontiff reserves to himself. The Congregation of the Council therefore interprets all ecclesiastical discipline *with Apostolic authority*. The Congregation is, to use a modern expression, a Court of Cassation in the Catholic Church. To it recourse is had by way of appeal from the sentences of local Ordinaries when doubt or question arises with regard to the meaning and application of points of Canon Law. The decisions of this Congregation are Papal decisions; and make law, just as if they emanated from the lips of the Pontiff himself.

This authority was bestowed on it by Gregory XIV. The Congregation is the Vicar of the Pontiff in all that concerns interpretation of disciplinary decrees, either made or referred to by the Council of Trent. It would be but of small importance in any society to have general laws, if there were in that society no tribunal charged with the authentic interpretation of those laws, and invested with the authority of the lawgivers. In order to ensure oneness of interpretation of the law of any society, there must be only one interpreting tribunal in the same society. The Church codified her general laws in the Decretals of the thirteenth and fourteenth centuries. What she thus began she completed in the erection of the Roman Congregations.

Among the Declarations of the Sacred Congregation of the Council there are some which have been confirmed and promulgated by Pontifical Decree; and there are others which have not so been promulgated. The former have without question force of universal law, as have other Pontifical Constitutions.

This Sacred Congregation does not, by means of its Declarations, give judgment with regard to the truth of the fact set forth in the case brought before it, but only declares the *law*. The truth of the *fact* is left by it to be

established before the Judges Ordinary. The Congregation, supposing the *fact* to be as stated, determines the *law* with regard to it as laid down in the Trent Decrees, and thus declares in what sense those Decrees are to be understood in this or in any similar case. To *declare* is to lay open or make manifest the sense of any law or constitution, when it is obscure. To *resolve* is to unfold or unravel any ambiguity; obscurity in a law being considered as an entanglement or knot in it. To *decide* is to cut this knot, and dispel all doubt.

The Declarations of the Sacred Congregation of the Council are essentially the Decrees of the Council of Trent themselves. These, whether as obscure in themselves and of doubtful meaning, or as having been misunderstood by some, are now cleared up, and have light thrown upon them. Hence these Declarations have the same force to bind as have the Decrees themselves. All the qualities of a declared law are held to cleave to the declaration of it; and the obligation of the subject to either guilt or punishment is rooted in the law declared, and not in him who declares it.

The tribunal of the Rota always receives with reverence all the Declarations of the Sacred Congregation, and observes them in their entirety. It rejects even its own decisions in

the past when these are found to be contrary to those Declarations.

Two sections have been added to the Congregation of the Council; one by Benedict XIV. in 1740, to examine the Reports of Bishops on the state of their dioceses; and another by Pius IX. in 1849, for the revision of Provincial Councils. This consists at present of four Cardinals under a Cardinal Prefect. The Acts are handed to a Consultor, who makes his observations on each article. These are printed and laid before the Consultors and the Cardinals, and finally the Congregation sends its animadversions to the Metropolitan.

The third of the Sacred Congregations, in the historical order of their foundation, was the Congregation of the Index, which at present consists of twenty-five Cardinals under a Cardinal Prefect. It owes its origin to St. Pius V. Gregory XIII. extended its faculties. Among the Cardinals of the Index to whom he addressed his Bull was Felix de Montalto, who was afterwards Sixtus V. Among other Pontiffs, Benedict XIV., Pius IX., and Leo XIII. have legislated on the subject of the Index.

The Sacred Congregation of Bishops was at first distinct from the Sacred Congregation of

Regulars, and owed its origin to Gregory XIII. Sixtus V. founded the Sacred Congregation of Regulars. A decree of this Congregation in 1586 makes express mention of the Congregation of the Council and of the Congregation of Bishops, as of two distinct institutions. The Congregation of Bishops was for receiving the requests of the local Ordinaries for advice; for settling the disputes and answering the doubts and difficulties which those Ordinaries brought before it; and for summary judgment in cases concerning the jurisdiction, rights, and privileges of local Churches, and in cases of quarrel between Chapters and their temporal lords.

The fifth of the Sacred Congregations in order of time was the Congregation of Regulars. This Congregation undoubtedly owed its origin to Sixtus V. In order that Regulars should not have to appear before ordinary tribunals, Sixtus V. erected this new Congregation. He gave to it full power to investigate and summarily settle disputes, causes, and all other affairs whatsoever brought to Rome on the subject of Regulars. He afterwards assigned to this Congregation the *examination* of questions between Regulars, of all Rules and Institutes, and the local Bishops. The *decision* of these questions, however, he reserved to the Pontiff. It was the

intention of Sixtus V. that in this Congregation all religious should find an assured haven of refuge; and in its authority and succour a means of following without hindrance their career of religious perfection. When founders of religious orders begged for a Cardinal of the Roman Church to be the Protector of their Order, as did St. Francis of Assisi, they looked to having in him a ruler, governor, and corrector. This expectation was most perfectly fulfilled by the foundation of a College of Cardinals, invested with Apostolic authority, to protect, govern, and correct all Religious Orders, The tumult of ordinary tribunals is but little becoming in the case of Regulars, who are bound by the obligations of their state of life to live apart from the agitations and solicitudes of the world. It was well, therefore, as Sixtus says, that Regulars should have judges to examine into their cases, and to decide them summarily, without the appearance and clamour of a court. Regulars were already in enjoyment of summary procedure in those causes which their Superiors had power to judge. Hence it was only fitting that they should have summary procedure, with its economic and expeditious forms, in causes which they brought to Rome for Apostolic judgment.

The Congregation of Bishops and the

Congregation of Regulars were afterwards united in the one Congregation of Bishops and Regulars.

From the immense number of questions brought before it from the four quarters of the globe, this Congregation has the name of being the 'most occupied' of all the Roman Congregations. It consists at present of a Cardinal Prefect and twenty-eight Cardinals, of whom some are Regulars. The Secretary is nearly always a Bishop, so as to be at least on the level with those with whom he has to communicate. There are also Consultors who study the proposed Constitutions of new Institutes which are brought to Rome for Approbation. There are among the Consultors some secular prelates, but the majority are religious of various institutes. Leo XIII. has added to this Congregation a council of prelates.

Pius IX. in 1847 instituted a particular Congregation called the Congregation on the state of Regulars.

Besides the Congregations which Sixtus V. erected for temporal administration, there are three Congregations which owed their existence to him, and which did not exist before his time. These are the Congregation of Rites,—the Congregation of Studies,—and the Congregation of Consistorial affairs.

The sacred rites and ceremonies which the Church of Christ, instructed or assisted by the Holy Ghost, through Divine tradition and Apostolic discipline, makes use of in the administration of the sacraments, in the divine offices, and generally in the worship of God and of His Saints, form a grand object lesson for the People of God. They exhibit an external expression of the true faith, and of the majesty of holy things. They rouse the spirit of the faithful to meditation on mysteries, and they fan the fire of devotion. So says Sixtus V. Desirous of increasing yet more and more the piety of the children of the Church, and in order to preserve and establish her sacred rites and ceremonies, he selected five Cardinals whose principal care it was to be that the ancient sacred rites should be diligently observed in all places, and in all churches, both of the City and of the universe, and even in his own Pontifical Chapel; in the masses and divine offices, in the administration of the sacraments, and in all other matters pertaining to the divine worship. Ceremonies were also to be re-established where they had fallen into desuetude, and reformed wherein they had been depraved. The Cardinals of the Sacred Congregation of Rites were also to amend and correct the Pontifical, the Ritual, and the Ceremonial, if need be; and to examine the

Divine offices of Patron Saints, and to grant such offices. They were also to give diligent attention to the canonization of Saints, and the celebration of Feasts, in order that all things should be done with regularity and order. The procedure of this Congregation was to be summary, like the procedure of the other Congregations, except in causes for canonization. In these causes, all the forms of *judicial* order were to be observed.

The Congregation consists, at present, of a Cardinal Prefect, with twenty-eight Cardinals. It has a Prelate as Secretary; and another who fulfils the functions of a Fiscal Advocate, and is called the Promotor of the Faith, with an Assessor or Sub-promotor. The Consultors by birthright are the Pope's Sacristan, who is always a Bishop, and of the Order of the Eremites of St. Augustine; the Master of the Apostolic Palace, of the Order of Preachers; the three senior Auditors of the Rota; and a Protonotary Apostolic specially attached to this Congregation. The Apostolic Masters of Ceremonies are also called into consultation.

It is not the practice of the Secretariate of the Sacred Congregation of Rites to reply by letter to the petitions or doubts proposed by private persons with regard to liturgical matters. Hence if a private person has anything to ask

he must appoint some one in Rome to apply in his name to the Secretariate, and to receive the authentic answers. The petitions and doubts presented through Agents to this Secretariate ought to be subscribed by the Ordinary of the petitioner.

The Sacred Congregation of Studies, begun by Sixtus V. was instituted by Leo XII.; and at present consists of a Cardinal Prefect and twenty-nine Cardinals. Besides the direction of the Roman University of the Sapienza, Sixtus V. assigned to this Congregation the inspection of the Colleges established at Rome for the Greeks, the Maronites, and the Neophytes, and the care of Catholic Universities, and of their affairs when brought before the Holy See. His Bull mentions with honour the four famous Universities of Paris, Oxford, Bologna, and Salamanca. Although the University of Oxford was given over to heresy, the Pontiff did not abandon it. He would fain recall Oxford to the bosom of its Mother, and the way of salvation.

The Sacred Congregation of the Consistory also owed its foundation to Sixtus V. in 1587. The creation of the various Roman Congregations drew away from the Consistory of Cardinals

those contested cases which the Pontiff had been in the habit of judging with the aid and counsel of his Cardinals. There remained those 'greater causes' which ought to be transacted Consistorially; and a tribunal was necessary also for the settlement of questions which might arise with regard to Consistorial acts. The functions of this Congregation were to take knowledge of causes concerning the erection and endowment of Cathedral Churches, the chapter, the clergy and people, and all that concerns the erection of Cathedrals; to examine all difficulties incident to their erection, and all disputes between Cathedrals already erected; the union and dismemberment of churches, dioceses, and monasteries; incompatibility of dignities; presentations and nominations of Bishops, confirmation of elections, appointment of Suffragan Bishops, and of Bishops Coadjutor, with or without right of future succession, the age and character of persons to be promoted, and the like. After having examined and discussed these matters among themselves, the Cardinals of the Consistorial Congregation were to relate them to the Pontiff. He would then, in accordance with their decision, or of his own accord, bring forward the cases in the Consistory in the accustomed way.

Of this Congregation, which at present

consists of nine Cardinals, the Pontiff himself is Prefect. The Secretary is selected from among the Prelates of the City. He is commonly the Secretary also of the Sacred College of Cardinals; but in this capacity he needs every year fresh confirmation by the Cardinals.

As annexed to the Sacred Congregation of the Consistory, Gregory XIV. instituted a Congregation for the Examination of Bishops. The functions of this Congregation consisted in the examination of persons proposed for the Episcopate, and this with a view to the information of the Consistorial Congregation. This refers to Bishoprics in the immediate gift of the Pope. In the case of Bishoprics for which there is election by the Chapter, or which by Apostolic favour are in the nomination of secular princes, the canonical informations prescribed by the Council of Trent, along with the Instruction of Urban VIII., remain in force.

It will have been seen that the foundation of the Roman Congregations was the collective work of successive Pontiffs. Sixtus V., far from innovating, was only following faithfully in the footsteps of his predecessors.

The Sacred Congregation of Propaganda owes its foundation to Gregory XV. It was established in 1622 for the propagation of the

faith in heathen lands; on the model of the Congregation instituted by Paul III. in the preceding century for the preservation of religion against schism and heresy. Gregory XV. founded a Congregation of Cardinals, to which he gave special authority and commission to send missionaries into all parts of the world that were infested with infidelity or heresy. This Congregation consists at present of twenty-five Cardinals; one of whom is Prefect-General, and another is Prefect of Economy. Besides these Cardinals, there are certain Prelates and Consultors. The Congregation proposes to the Pope Bishops and Vicars Apostolic; and distributes the various missions in accordance with the character of its subjects, and the nature of the Orders to which they may belong. Although this Sacred Congregation is concerned chiefly with the direction, both spiritual and temporal, of the missions, it also gives judgment in disputes which may arise between the missionaries and the religious of the various Orders, or between the missionaries and the indigenous clergy, where these exist. It also settles questions between the Superiors of Religious Orders, as regards the jurisdiction and direction of those of their subjects who, through their destination to the work of the missions, are specially dependent on Propaganda itself.

The Congregation of Propaganda, like that of the Holy Office, has its own Palace. This serves as a residence for the Cardinal Prefect and the Secretary. It contains offices for the various departments, and in it the Cardinals of the Congregation assemble for their deliberations in common. Attached to the Palace is the Seminary, or College, instituted by Urban VIII., and hence called the Urban College, for the education of students destined for the missions; and the celebrated Printing Press, which issues books in all languages. When Gregory XVI. visited this Polyglot Press in 1842, he was presented with an album in fifty-five languages, twenty-two of them being Asian, twenty-seven European, three American, and three African.

The Congregation of Propaganda has no fixed days for its meetings. They depend on the nature and urgency of the business which is brought before it. Ordinarily, however, there is a meeting on the first Monday of every month; and a Congress every week in the apartments of the Cardinal Prefect, for matters of less importance.

There is a subdivision of this Congregation for the affairs of the Oriental Rites. It consists of thirteen Cardinals and, besides consultors and officials, has interpreters attached to it.

In countries under Propaganda where there is an ecclesiastical hierarchy, the Archbishop and his suffragans, or all the suffragans in the case of election of an Archbishop, recommend three names to Propaganda, along with the documents which constitute an inquiry into their qualifications. The whole question is then examined and discussed in full assembly, and he who seems to be the most worthy is proposed to the Pope.

This privilege of recommendation exercised by the Bishops differs entirely from the election of a Bishop which belongs to Cathedral Churches in virtue of the Decretals. In some countries, as in Canada, the Bishops alone recommend. In other countries, as in England, Scotland, and Ireland, the clergy, or the chapter as the superior part of the clergy, make a recommendation which the Bishops confirm with their approbation, or refute with animadversions on one or other or all of the candidates. Elsewhere, as in the United States and in Australia, the clergy, or representative part of the clergy, recommend three names to the Bishops, who in turn recommend these or other names to the Holy See.

In countries where no hierarchy exists, Vicars Apostolic, who are Bishops, are appointed.

The proposal and recommendation of three names is made by the Superior of the Religious Order, or ecclesiastical Institute, to which the care of the faithful has been committed. Otherwise, a Vicar Apostolic is appointed by the Pope, on the recommendation of Propaganda.

Prefects Apostolic are chosen by the Cardinal Prefect of Propaganda, after consultation in the ordinary Congress with the Secretary and other officials, and without the vote of a full assembly.

Patriarchs, in countries subject to Propaganda, are elected in Synod by the Bishops of the country; and the Acts of the election are sent to Rome for confirmation. The election is then promulgated in Consistory, and expedited by Bull.

Bishops without residential Sees used to be styled Bishops *in partibus infidelium*. This was resented by the rulers and peoples of some of these places, and in 1882 this formula was abolished, and they are now called *Titular* Bishops, with the name of the ancient See which they receive as their Titular Church.

Against certain persons who maintained that

the decrees of the Sacred Congregation of Propaganda amount only to probable opinions, as being pure and simple declarations of the Cardinals, so that the contrary could be legitimately defended, Innocent X. in 1652 confirmed the decree of Urban VIII., that whenever those decrees are confirmed by the Prefect of Propaganda, subscribed by the Secretary, and duly sealed, they have the force and value of an Apostolic Constitution, and are inviolably to be observed by all and everyone.

In 1882 Circular Letters were issued by the Cardinal Prefect of Propaganda to the Vicars Apostolic, Prefects of Missions, and other Superiors subject to him, in which he says that although the end of that Sacred Congregation has been from its beginning the propagation of the Christian Name throughout the whole world, yet it has never ceased to take care that the preachers of the gospel dispersed throughout divers lands should, when opportunity offered, by the inspection or acquisition of documents and other matters tending towards the promotion, not only of the increase of religion, but also of the progress of the arts and sciences, strive to be of service to the welfare also of civil society. Of this, he says, there are many proofs in the collection of ancient codices, especially in the East, whereby an historical knowledge of

peoples and of liturgies has been acquired, and errors refuted. He instances the sending by Clement XI. of the erudite Joseph Asseman to the East, who by his travels enriched the Vatican Library with precious treasures in Codices, and whose learned volumes of the Oriental Library were printed by Propaganda. This Sacred Congregation has ever been in the habit of assiduously demanding from its missionaries the collection of geographical and chorographical charts, to give knowledge of little-known and barbarous regions; and of documents of all kinds which could contribute towards a knowledge of the manners and customs of the natives, and especially of their religion, and towards the interpretation of the literature and laws particularly of the Indians and Chinese. The chief monument of these labours is to be found in the Museum of the Urban College, formed by Cardinal Stephen Borgia, who was at one time Secretary of Propaganda, with its ancient codices, coins, and curiosities. He exhorts them, therefore, to labour for the simultaneous progress of both faith and science, the latter including the natural history, botany, mineralogy, and zoology of the various regions (*Acta Sanctæ Sedis*, 1882, vol. xv., p. 331.).

Urban VIII., successor to Gregory XV.,

instituted the Sacred Congregation of Ecclesiastical Immunity in 1626. It is composed of a number of Cardinals, which is greater or less at the pleasure of the Pontiff. There are also in it certain Prelates, of whom four are fixed. One of them acts as Secretary, another is an Auditor of the Rota, a third is a Cleric of the Apostolic Chamber, while a fourth is the Fiscal Advocate. Their functions consist in being *ponents*, or reporters to the Congregation on the affairs which come before it. Since the documents sent to this Congregation by the local Ordinaries are generally voluminous, these prelates make an abridgment of them for the consideration of the Cardinals. It treats those matters only which concern ecclesiastical jurisdiction, and hindrances to the free exercise of this jurisdiction; matters in defence of which Gregory VII. died an exile at Salerno, and St. Thomas shed his blood at Canterbury.

This Congregation is for the present annexed to the Congregation of the Council, and consists of three Cardinals, one of whom is Prefect.

The Congregation of Indulgences and Sacred Relics was established by Clement IX. in 1669. He had already formed a special *Commission* of Cardinals and Prelates to give him counsel in matters which concern Indulgences and Sacred

Relics. Having had experience of the value of this Commission, he afterwards established it as a stable and permanent Roman Congregation. This Congregation he invested with ordinary or official authority to resolve all doubts and difficulties about indulgences and relics, and to correct abuses; and this apart from judicial forms, and with the authority of the Pontiff himself. It was also for this Congregation to prohibit the publication of false or apocryphal indulgences, to authenticate relics recently discovered, and to keep an eye on the granting of indulgences and the distribution of relics. The Pontiff reserved to himself the solution of *dogmatic* doubts, and expressed his will that the Congregation should consult him in more grave and difficult cases. It consists at present of thirty-two Cardinals.

That *ordinary* or official exercise of Apostolic authority, with summary procedure, belongs to the fundamental constitution of all the Roman Congregations is evident from the Brief which established this particular Congregation.

For more than a century the Sovereign Pontiffs had successively taken part in the institution of Congregations. From the time of Paul III. there was scarcely a Pope who did not signalise his pontificate by the foundation

of some new Congregation; until the modern system of procedure in the Pontifical administration of the Universal Church had reached its completeness. This persistence of the Pontiffs in the same line of institution sets its seal of sacredness on the Roman Congregations. The solicitude shown by the Popes of the thirteenth and fourteenth centuries in codifying the general laws of the Church, is manifested in the sixteenth and seventeenth centuries by the formation of Supreme Tribunals for the application of those laws. For three centuries the Congregations of Cardinals have not ceased to administer ecclesiastical jurisdiction, and to exercise pontifical authority, and the Pontiff has constantly availed himself of them as organs of his will. The authority of the Roman Congregations is specially manifest in the acts of Benedict XIV. Whether as private writer, or as Bishop, or as Sovereign Pontiff of the Universal Church, he, so to speak, consecrates this new system of the Roman Church with all the weight both of his learning and of his authority. His books, his institutions, and his Bulls all bear testimony to this fact. His name is also associated with the restoration of the Sacred Congregation of Episcopal Residence, founded by Urban VIII., and the institution of a new Congregation to which he gave

its special mission in examination of the Episcopal Reports on the state of their Churches, made by the Bishops to the Pontiff when at stated intervals they visit the Tombs of the Holy Apostles in conformity with the Constitution of Sixtus V.

After the revolution of the last century Pius VII. founded, or rather revived, in 1814, the Sacred Congregation of Extraordinary Ecclesiastical affairs. It examines proposed Concordats with Governments; and has the exclusive transaction of ecclesiastical affairs in countries subject to the Russian Empire, and in South America, in much the same way as the Propaganda has with regard to the Missions. It consists at present of fourteen Cardinals. Under the presidency of its senior member, it meets in the apartments of the Cardinal Secretary of State, in whose department it has place as a permanent council.

Such is, in brief, the history of the establishment of the Congregations of Cardinals. It only remains now to give some account of the officials of the Roman Congregations, and of the lawyers who practise before the Roman courts.

II.

During the second period or stage of Papal procedure in Pontifical administration of the Universal Church, the Consistory was the only audience in which the Pope exercised his Pontifical authority. In the Consistory he investigated, and gave judgment, with the counsel of his Cardinals, on an immense number of cases brought before him for decision. Many of these, such as contested cases, were transacted with intervention of Advocates and Procurators. With continued increase in the number of cases the pressure on the Consistory increased till it became well nigh unbearable. There existed, it is true, the tribunal of the Auditors of the Rota, but this court was only for cases of second importance. These judges, moreover, although 'Judge Ordinaries' in all the acts of their *procedure*, were only *delegated* Judges in giving *sentence*. They could not therefore fittingly be called upon to *judge* in cases the very nature of which demanded that they should be decided by *Apostolic* authority. Cases brought to Rome for the very purpose of Pontifical judgment were obviously not to fall under the jurisdiction of judges who were acting only in virtue of a simply delegated power. Any other tribunals which the Pontiff might have

created on the model of the Rota, would have lain open to the same objection. The Roman Court would have been filled with delegated judges, whose sentences, in order to be definitive, would have had to obtain the sanction of the Sovereign Pontiff. A case would consequently have become the object of fresh discussion in the Pontiff's presence. Hence the need of judges, invested *with Apostolic authority*, and empowered for exercise of this authority; who, along with the Pontiff, should form one tribunal, and give sentences from which there should be no appeal. Such authority could not fittingly be confided to any persons other than the Cardinals of the Sacred College. The Cardinals were the Senators of the Universal Church. They were also regarded by the Christian world as the representatives of the Sovereign Pontiff; as in fact they were when sent by the Pontiff as his Legates to various Christian nations. Hence the Sacred Roman Congregations were daughters of the Papal Consistory. From it they flowed forth as from a fountain. As the sun not only shines with its own light, but imparts of its light to the stars, and thus adorns the heavens and illuminates the universal world, so does the Supreme Pontiff not only teach and rule the Church by his decrees, but also with his authority so supports, and with his power so gives increase

to the Cardinals that, associated with him in his labours, they are able with ease to unravel the knots of all difficulties. So says Cardinal Paleotti in his treatise on Consistorial Consultations. The light which the Cardinals transmit is that of the Apostolic See, the power of which they exercise. The Pontiff reproduces himself, as it were, in the Sacred Congregations which he creates, and to which he communicates his Apostolic authority. The Cardinals form one and the same 'audience' with the Pontiff; as a Bishop's Vicar General forms one and the same tribunal with the Bishop.

Those prerogatives of the Supreme Pontiff which spring from the Divine promises, and which in this sense are *personal* to him, as he is successor of Peter and Vicar of Christ, such as his infallibility, are thoroughly safeguarded from infringement in the Sacred Congregations. Decision of the 'greater causes' he reserves to himself. There are causes also for the transaction of which there must be special *commission* from the Pontiff, and of which the *decision* is reserved to him, the Cardinals having only a *consultative* voice. Even in affairs which belong to the ordinary functions of the Cardinals there are several in which the Pontiff must be consulted before the decisions which the Cardinals

have given are expedited. There are certain favours also and dispensations in which the office of the Cardinals is that of simple secretariates, and the petitions are taken to an audience of the Pontiff, who grants them or refuses them at his discretion. Hence far from their taking action which is independent of the Pontiff, the Sacred Congregations refer to him even those acts and decisions which, in virtue of their ordinary power, they could in strictness expedite without reference to the Pontiff. It nevertheless remains true that the authority of the Pontiff reproduces itself in the Cardinals of the Congregations; and that they are not simply *organs* of the Pontiff's will, or *delegated* judges. They are true *ordinary* judges, who exercise the Apostolic power, and who give *decisions* to which all the faithful are bound to submit themselves, as to Pontifical sentences.

In the Papal Consistories, as they existed before the rise of the Sacred Congregations, the Cardinals did not sit as *judges*, and they had no *decisive* vote. They were simply counsellors of the Pontiff. This the Council of Trent indicates when it says that the administration of the Universal Church rests upon the *counsel* of the Cardinals in presence of the Pope. In the Sacred Congregations, on the other hand, the

Cardinals are *ordinary* judges, who exercise Apostolic authority over all the Church. Those Congregations are permanent tribunals, the decisions of which make law for the whole of the Christian world.

A result of the distribution of different branches of business among the various Congregations is that the faithful who approach the Holy See in quest of justice, or to beg some favour, find the several Congregations ready to receive them, and their affairs are more quickly expedited. The Cardinals also gain more mature experience from having constantly transacted the same kind of business.

Christian life is exercised in faith, in worship, and in discipline. Matters of *faith* are transacted in three Sacred Congregations, in the Holy Office, the Index, and Propaganda. Matters of *worship* are transacted in the Sacred Congregation of Rites. Matters of *discipline*, in the interpretation and application of it, are transacted in various Congregations of which we have already spoken.

12.

The Sovereign Pontiff might, indeed, have delegated his Apostolic authority to individual

Cardinals, to be exercised by them in the same way as a Bishop's Vicar-General exercises the episcopal authority of his Bishop. The erection of Congregations or corporate bodies of Cardinals, however, provided a better method; and it is to *Colleges* of Cardinals as to collegiate tribunals that jurisdiction has been given. In the Holy Office six Cardinals were appointed by Paul III.—in the Congregation of the Council, eight Cardinals by Pius IV.—in the Congregation of the Index, four Cardinals by Gregory XIII.—in the Congregation of Regulars, four Cardinals by Sixtus V., and this number was afterwards increased to six. Sixtus ordained that ordinarily each Congregation should have five Cardinals, and that they should not hold their deliberations in common, or give judgment if fewer than three Cardinals were present. Experience has confirmed the advantage and importance of having tribunals in the form of *colleges*; the members of each college deliberating and giving sentence as a corporate body, and in accordance with the votes of a majority.

In order that the Cardinals who pronounce as judges should be thoroughly well informed on the case submitted to them, there are also *colleges* or corporations of theologians and canonists. These

have a *consultative* voice, and belong to a Sacred Congregation in quality of its counsellors. Long before the time of Sixtus V. and in the Bull of Paul III., which erected the Sacred Congregation of the Holy Office, there is mention of theologians and consultors. It is the grave character of the matters transacted in the Holy Office, and in the Sacred Congregation of the Index, that has caused the establishment of a sort of double congregation, that of the Consultors, and that of the Cardinals. The Congregation of the Council has no Consultors, except for revision of the decrees of provincial Councils. In causes transacted in full congregation with the form of procedure which is known as 'economic,' there is taken the opinion of a theologian and of a canonist; but there is no intervention of the usual Consultors, and the presence of procurators is forbidden. The Secretary of the Congregation is charged with presenting the grounds relied on, both of law and of fact.

While the Congregation of the Council has no Consultors, properly so called, it avails itself of the services of the *Studio*. This is composed of young priests who have finished their course at the University, and taken their degrees in canon and civil law. If their petition for admission to the Studio is granted, they are

furnished with the documents of causes to be discussed every month, and these they have to study. The Archives and Library are open to them, and eight days before a meeting of the Congregation, they assemble under the presidency of the Secretary and Auditor for deliberation. Each gives his opinion, the Secretary makes his observations, and the result is transmitted to the Cardinals. There is not to be expected from these students the maturity and prudence that come from age and experience, but this is in a way compensated by their having the principles of law still fresh in their minds, and these they apply apart from considerations foreign to the case. Their opinion, while it does not bias the Cardinals, is nevertheless not without its value. They are bound to work two hours a day, and when their course of four years is finished, they receive the title of Advocate, and can then plead before the Sacred Congregations, and are recognised as procurators of parties. Entrance to the *Studio* is sought after by those especially who propose to themselves an official career.

In the Congregation of Bishops and Regulars, Consultors are an institution of but recent date. In the Congregation of Rites there are Consultors in causes for canonization. In cases which regard moot points and controversies

about rites and ceremonies, the Apostolic Masters of Ceremonies are the Consultors.

13.

The Apostolic See gives sentence by the mouth of the Sacred Congregations. Those Congregations give utterance to its voice. The Congregation of the Council has laid it down that as much is to be made of what the Congregation has written as if the Pope himself had written it. This is also true of all the Roman Congregations. These Congregations transact affairs and causes which are reserved to the Pontiff; and consequently in their decrees, and in the interpretative judgments which emanate from them, and in the orders which they give, it is the authority of the Sovereign Pontiff which they are exercising. Himself the source and cause of the authority of the Sacred Congregations, the Pontiff is also the *cause of the causes*, and the source of the judgments which emanate from them. Hence it is that the Sacred Congregations are in the habit of mentioning in their decrees the Apostolic authority with which they are invested. The Holy Office calls itself the Congregation of Their Eminences the Cardinals established as Inquisitors General *by Apostolic authority* throughout the whole Christian

commonwealth. The Congregation of the Index refers to its *Apostolic authority* for the examination, permission, correction, and prohibition of books in the Universal Church. The Congregation of the Council calls itself the interpreter of the Council of Trent *by authority of the Pope*, or *by Apostolic authority*.

We find an example and prelude of this method of procedure in the old Roman Law. Justinian forbade the making of commentaries on his Code. He says that august princes have committed to certain prudent persons power to interpret their laws, and that the interpretations emanating from these jurisconsults have force of law, as if they sprang from Imperial constitutions, or 'issued from Our mouth.' He gives the reason—'because We rightly make all things 'Our own to which We impart Our authority.' In the same way the decrees, resolutions, interpretations, sentences, judgments, decisions, mandates, prescriptions, and orders of the Sacred Congregations are to be attributed to the Supreme Pontiff; whose sovereign authority the Congregations exercise, each within the limits of its own competence.

If it is true to say that Constitutions, which a person who has not power to make them publishes by authority of the Pope, are reckoned as Papal Constitutions, and cannot be revoked

by inferiors—and in this all canonists agree—with still greater reason are we to venerate the Pontifical authority in the decisions of tribunals which—besides the ordinary and permanent power which the Bulls of their institution conferred upon them—are ever acting with the knowledge of the Sovereign Pontiff. The obligation to consult the Pontiff is a manifest sign of the Apostolic authority in virtue of which the decrees of the Congregations are given. The clause, 'We, however, having been consulted,' would be irrelevant if the sentences of the Sacred Congregations did not have the force and vigour of Pontifical law. Magistrates and judges who transact causes, and who give judgment in accordance with the sense in which they understand the law, have no occasion to consult the Sovereign before issuing their sentences. If therefore it is the will of the Pontiff that he should be previously consulted by the Roman Congregations, it is in order that the decisions of those Congregations should have greater force, and should make law for all the world.

The Sacred Congregations transact affairs and give judgment in causes which are, of the nature of them, reserved to the Holy See; or which, when brought to Rome by way of appeal, demand intervention of the supreme authority

of the Roman Pontiff. Whether a Congregation ought to consult the Pope before issuing its decision, or whether it has power to give its decision without this previous consultation, and in virtue of its ordinary faculties, the decision, in the one case as in the other, remains always the act of a Congregation which is manifestly exercising Apostolic authority. Hence it is that Roman Congregations are called *Vicars* of the Pope, and that from their judgments there is no appeal. The Congregations are, it is true, prepared to revise their own sentences by granting 'a new hearing' on occasion shewn; but *appeal* from the Congregations to other tribunals is a thing unheard of. It is not, says Benedict XIV., to doctors or private writers that the faithful have recourse in their disputes, but to the Sacred Congregations, from whom alone they can obtain an authoritative decision. Writers, moreover, of the greatest renown, and some of the most wise of every nation, have recognized the authority of the Roman Congregations, and in quoting have venerated their resolutions.

The decisions, therefore, of the Roman Congregations, whether in judicial or in extra-judicial matters, make true laws; and beget true obligation, as regards the persons whom they immediately concern, or who are comprehended

in them. As regards other persons in *similar* cases, or under similar circumstances, it has to be determined whether a resolution of a Congregation is general, and sets forth a principle of law; or whether it is merely an application of law to some particular fact.

The resolution of a Sacred Congregation on a point of law may not only be approved by the Pontiff, on the report of it by the Secretary to him in audience, but may also be published by a solemn Decree on his special mandate. Whenever resolutions of any Sacred Congregation are approved and published in this way they constitute *true common law*, and therefore bind all Christian men. They become so many public and solemn Papal acts, by which the supreme lawgiver either interprets an old law, or promulgates a new law.

Resolutions, on the other hand, of a Sacred Congregation on a point of law which they have not received a special mandate from the Pontiff to interpret do not constitute a true law. These resolutions are nevertheless of great authority.

If the resolution of a Sacred Congregation affects only one particular case, and is an application of law to the facts of that case, the resolution binds those against whom it is given, and gives true right to the persons whom it favours. The decision in that particular case is

the sentence of a judge, and that does not extend to persons outside the case in question. In cases which are precisely similar Ordinaries can most certainly found on that case in arriving at a judgment. If there should happen to be a number of uniform decisions by a Congregation or Congregations on the point, these will constitute a 'traditional' law which lower judges ought not to contradict or ignore. They form 'forensic traditions' which are sound rules for guidance.

It is by no means always certain that the Cardinals of a Congregation have been determined in their decision by the arguments on the record or in the pleadings, and that they may not have come to their decision as the result of their own examination and study of the case. Hence conclusions from the arguments relied on in the case are not necessarily so many principles of law laid down by the Congregation.

The answers of Sacred Congregations, while of the highest authority, as given by competent and supreme tribunals, and after mature examination by men of learning and probity, are nevertheless not infallible and irreformable. Infallibility belongs to the one Pontiff alone. It is incommunicable and cannot be delegated. The Answers are not *Papal acts*. Although the Pontiff approves them they remain nevertheless

Answers of the Congregation; and it is *as Answers of the Congregation* that the Pontiff approves them and commands them to be published. It is one thing to *approve*, and it is another to *appropriate*. It is one thing to approve that which is and remains *another's*, and it is a very different thing to make it *one's own*. If the Pontiff were to make a decision of a Sacred Congregation *his own*, and solemnly publish it in a Constitution, we should in that case have a definition in doctrinal matter by the Pontiff *ex cathedrâ*, and therefore an infallible and irreformable judgment.

The collection of documents in the archives of the Sacred Congregations is colossal. To give an idea of this, there were some forty years ago over sixty thousand documents belonging to the Congregation of the Council alone. To say nothing of the archives of the Holy Office and of the Congregation of the Index, the Congregation of Bishops and Regulars produces annually three large volumes of Decrees, treating of the affairs of Bishops, of Regulars, and of Nuns respectively. This would give more than eight hundred volumes of Decrees if its transactions had been edited from the beginning.

14.

We have spoken of the Cardinal Prefect of a Roman Congregation, and some details with regard to him may be of interest. With the exception of the Congregation of the Holy Office, the Consistorial Congregation, and the Congregation of the Apostolic Visitation, prefecture of which the Pope has reserved to himself, all the Sacred Congregations have each its own Cardinal Prefect. It belongs to his office to sign its Letters and Decrees, and to direct the Congregation in all that concerns the holding of its sittings and the transaction of its affairs. For those matters which are not brought before the Congregation in full assembly, but which are submitted in an audience of the Pope, the Cardinal Prefect has special faculties. He has also power to write letters, and to give orders, in the Pope's name. Pius VI. declared that these letters are equally authoritative, and have the same force for execution as they would have had if they had been subscribed by the Pontiff himself with his own hand. The office of Cardinal Prefect is bestowed for life. After the death of a Cardinal Prefect it is the Secretary of State who signs the Acts of a Sacred Congregation, until the nomination of a new Prefect. In the absence of the Cardinal

Prefect the Acts are signed by the senior Cardinal of the Congregation.

The functions of the Cardinal Prefect do not consist merely in giving authenticity to the Acts of the Congregation by his signature; they include also correspondence with local Ordinaries and interested parties. It is for him or the Secretary to grant the favour of a 'new hearing' of the case. In this and other matters he has a discretionary power within limits determined by the traditions and practice of the Congregation. He and the Secretary are to be believed on their own testimony with regard to orders or decisions received from the Pope by word of mouth, *vivæ vocis oraculo*. Matters of less importance, which are neither carried to an audience of the Pontiff nor brought before the Cardinals in full assembly, are transacted by the Cardinal Prefect and the Secretary in virtue of their ordinary faculties. In the Sacred Congregation of the Holy Office, of which the Pope has reserved to himself the prefecture, the Secretary is a Cardinal. This entails some divergence from ordinary practice as regards the Secretary. There is an Assessor and a Notary; and the usual functions of a secretary are divided between those two. In the other Sacred Congregations the Secretary is always a titular Bishop, or at least a Prelate of the

Roman Court. In the Congregation of the Index it is a Dominican who has always held the post of Secretary.

At their meetings the Cardinals are seated on gilded chairs of red damask, round a table covered with green cloth and on which are writing materials. The Cardinals sit in the order of their precedence in the Sacred College. The presiding Cardinal is not the Cardinal Prefect of the Congregation, as we should have supposed, but the senior Cardinal who is Dean of the Congregation. It is he who says the prayers before and after the meeting, who opens the discussion, and who rings the handbell which brings it to a close. One of the Cardinals has been charged by the Cardinal Prefect with a special study of the question submitted to the Congregation, and is called the Cardinal Ponent. In the discussion it is for him, as best versed in the matter, to give explanations asked for by the other Cardinals, and to maintain the solution which he believes to be most in accordance with justice and right. If a Cardinal opposes this solution the Cardinal Ponent has the right of reply.

The Secretary assists at the General Congregations. In the Congregation of the Council the practice is for the Secretary to make a relation of the business before it. The printed

papers have already been distributed to the Cardinals of the Congregation several days before the sitting, in order that they may study the grounds both of law and fact. Thereafter there is the deliberation or discussion, and then they proceed to a scrutiny. The Secretary gives his vote as do the Cardinals. This practice is not, however, followed generally in all the Sacred Congregations. In the Holy Office it is the Assessor who makes the relation or report. In the Propaganda it is made either by the Cardinal Ponent, or by the Secretary. In other Congregations it is always made by the Cardinal Ponent, to whom are entrusted the originals of the documents which concern the cause. That which is common to all the Congregations is this, that the Secretary assists at the deliberations to take note of the decrees and sentences, and to record them in the register of the Congregation.

First among the officials of the Holy Office is the Assessor. He is chosen from among the secular Prelates, and presides over the assembly of the Consultors. He sets before the Congregation of the Cardinals the business to be done, along with the vote of the Consultors, which has previously been taken. He also reports to the Pontiff, if the Pontiff has not been present,

the sentence of the Congregation, in the evening of the same day. He has charge of the Secretariate and daily transactions. This appointment is Cardinalitial, in the sense that—although the Assessor may remain simply Assessor to the day of his death—if promoted, it will be to the Cardinalate.

After the Assessor comes the Commissary of the Holy Office. He is always a Dominican, and has right to the assistance of two Dominicans. His function is chiefly to construct the processes. The Master of the Sacred Palace, who is Censor of the Press at Rome, is by tradition always a Dominican and, along with the General of the Dominicans, a Consultor of the Holy Office.

After the Commissary come the Qualificators of the Holy Office. They are seven in number. Their office is to examine suspected propositions, and to *qualify* or characterize them with the note of censure which they may deserve. Some of the propositions may be distinctly heretical, and others simply savouring of heresy. Some may be false and erroneous, and others rash or offensive to pious ears. Some may be schismatical, as tending towards severance of the unity of the Church. Some may, of the nature of them, be scandalous, impious, or blasphemous.

Another official of the Holy Office is the Fiscal. He sits with the Consultors n their assembly, and sees to observance of common law. He also draws up instructions for procedure in cases which have been remitted to episcopal courts.

The Secretary of the Holy Office is, not the Cardinal Dean of the Sacred College, but the Senior Cardinal of the Congregation.

There are four meetings of the Holy Office. The first is simply preparatory. It is held every Saturday, and consists of the Assessor, the Commissary and his companion, the Advocate Fiscal, and a substitute of the Chancery. These examine the current business and decide which cases are to pass to the Consultors, and which are to go directly to the Cardinals. Matters of small importance they transact without reference to either, in virtue of the faculties of the Assessor. The meetings of the Consultors take place on Mondays, when they deliberate on the matters submitted to them. The Cardinals meet on Wednesdays, along with the Assessor. This is called the secret or private Congregation. At the end of it a bell is rung, and the notary and consultors are admitted, if their advice is to be taken. The fourth meeting is on Thursdays, and in presence of the Pontiff when the importance of the

business demands this. Then the questions discussed and resolved in the general meeting of the day before are again submitted to examination. At the present day, however, it is only occasionally that this Congregation is held, when for matters of great importance, or in exceptional circumstance, the Pontiff summons it, and presides in person.

The Holy Office is singular among the Sacred Congregations in this, that its decisions are valid whatever the number of Cardinals present, even if it is reduced to two; since ordinarily that alone is law which is decided by the majority in a Congregation. On Wednesday evenings the Assessor of the Holy Office goes to the Vatican and gives to the Pontiff an exact report of all that passed in the meeting of the Cardinals that same day; and the decision is given directly in the Pontiff's name. As a sign of this the seal of the Holy Office is composed of the Papal arms, surmounted by the tiara and keys; right and left are half lengths of St. Peter and St. Paul, and crowning all a cloud with emerging rays. The legend is—'The Seal of the Holy 'Roman and Universal Inquisition.'

Besides matters affecting the faith the Pontiff from time to time commits to the Holy Office other matters, when the nature of the business or the circumstances of persons concerned make

it expedient that it should not be transacted in other tribunals in which the forms of public judicial process are observed, or when a speedy decision or secrecy is required. Thus a heretical book is still sometimes directly condemned by the Holy Office; and this condemnation the Sacred Congregation of the Index has only to register. The Index holds only four or five meetings a year, and is not bound to extraordinary secrecy; while the Holy Office meets every Wednesday, and the secrecy of its procedure is inviolable.

The Holy Office was also at one time occupied with causes of canonization, which are now transacted by the Sacred Congregation of Rites. It still, however, concerns itself with cases of pretended sanctity.

The Secret of the Holy Office binds with regard to all causes and matters whatsoever transacted before that tribunal, and even extraneous matters connected therewith. It embraces everything that pertains to the process, the discussion, the documents, the determinations come to, and the decrees. It may not be manifested that such and such a book has been denounced to the Holy Office, or that such and such a doctrine has been examined by it; nor can the names of either the denouncers or the revisers be revealed.

The Secret of the Sacred Congregation of Rites in causes of Beatification and Canonization endures only till the termination of the cause. The Secret of the Holy Office endures always, even after the cause or business has been finished, and the sentence given for execution. The only exception is when the Holy Office itself commands some decree to be published, or when express leave has been obtained from the Pontiff. Even then the matter can be spoken of only within the limits of that leave, or that order for publication respectively.

Those who are bound to observance of the Secret of the Holy Office are the Cardinals Inquisitors, the Consultors, the Qualificators, the Revisers of books, and other officials, all who are admitted to the secret, and those to whom anything has been committed under the Secret of the Holy Office. The Pope alone is not bound by it. To the Cardinals, the Consultors, and the Officials, the whole of the matter may be made known; but to Qualificators and Revisers of books so much only as is strictly necessary to be known by them.

Most rigorous as is the Secret of the Holy Office, it is not like the Secret of the Sacrament of Penance; and so it is not forbidden to speak of a matter to those who have already official knowledge of it. Neither is it forbidden to

disclose it when by the law of nature the obligation of a secret does not hold, as in the case of grievous and imminent damage to the commonwealth. In all cases of true doubt, when the reasons on either side are equal, the doubt is in favour of the Secret.

The punishment of violation of the Secret of the Holy Office is that of the greater excommunication incurred *ipso facto*, and reserved to the Pope alone, excluding even the Cardinal Penitentiary.

Bishops to whom anything has been communicated under the Secret of the Holy Office cannot speak of it even to the Vicar-General; and all the documents are to be kept in the secret episcopal archives, of which the Bishop keeps the key.

It lies on the very surface of the case that the Secret exists in favour of those denounced to the Holy Office, and has not been instituted, as the ignorant suppose, for the sake of melodramatic mystery.

The Sacred Congregation of the Index consists of a Cardinal Prefect and a certain number of Cardinals selected, as far as can be, from all nationalities in the Sacred College. The Master of the Sacred Palace is by right a member of the Index, with the title of Perpetual Assistant,

and like him, the Secretary is always a Dominican. The Master has charge of the revision of all books published at Rome, and either gives or refuses his approbation. The Secretary is occupied only with books which have been denounced to the Congregation. There are also Consultors selected from both the secular and the regular clergy, and as far as possible from various nations. The denunciation of books properly belongs to someone who is in possession of ecclesiastical jurisdiction. If a simple priest or a layman denounces a book the Congregation may very probably take no notice. Sometimes the Holy Office, in condemning an error, condemns also the book which contains it; and in that case the condemnation is officially forwarded to the Congregation of the Index, which has simply to register it as condemned by decree of the Holy Office. Ordinarily, however, the suspected book is denounced by a Bishop, who in so doing fulfils one of the duties of his pastoral charge. He sends it to the Prefect or the Secretary of the Congregation, along with a note of his reasons. This denunciation is always attended to, and the book is handed to a Consultor to report upon it. His report is printed, and distributed to the Cardinals of the Congregation, and to the other Consultors, who have in this matter

a *consultative* voice. They usually meet to give their vote on the Thursday before the assembly of the Congregation. This vote is also printed and distributed. The question before the Cardinals in General Congregation is twofold—Is this book in itself worthy of condemnation? and, Is it opportune to condemn it? The book itself is considered under the first head; and the character or circumstances of its author under the second head. If he is a Catholic writer of good repute; or if the book has not produced any great sensation; or has no very widely extended circulation; or if it can be easily corrected, the author may be written to by the Secretary, or through the Ordinary, and asked to withdraw it himself from circulation, and to submit any subsequent work of his of a similar kind to some designated person.

The Cardinals are not always convinced by the report of the first Consultor, or by the votes at the preparatory meeting of Consultors, and sometimes ask that the book should be re-examined. Cardinals who have grown grey in the conduct of such matters, and whose judgments of men and things are from an elevation and far-reaching, not unfrequently divine danger in a book which seemed harmless to the Consultors, and condemn that which these had let pass.

If the objection suggests itself to us that the book is being condemned in the absence of the author, it is to be remembered that there is here no question of the author's faith—for in that case he would have fallen to the Holy Office—but simply and solely question of his book—and that may be worthy of condemnation, even if it was written with the best intentions in the world. If the report of the first Consultor and the votes of the Consultors are unfavourable, the book is handed, along with the censures of it, to a second Consultor, who examines both one and the other. If he is of the opinion of the first Consultor, the Congregation, if it approves of their reports, will give its decision in the sense of them. If he is of an opposite opinion, a third Consultor will examine the whole question.

A book denounced to the Congregation may be condemned either without restriction or till it is corrected. In the latter case the author ought to ask what are the blameworthy passages, and to submit his correction of them to the Congregation. If the author submits to the condemnation of his book, the Congregation adds to its sentence words which save his personal orthodoxy—'The author has laudably submitted 'himself, and reprobated the work.' These words are added also when a deceased author has by

anticipation in his work declared his submission of it to the decision of the Church.

The decisions of the Congregation are not executed without the sanction of the Pontiff. The Secretary goes to the Vatican, and gives him a summary of the discussion, with the various arguments on either side, and the decision with the grounds of it. The Pontiff then either approves the decree, or retains it for further examination; or, if not satisfied with the reasons given, orders further examination, and sometimes furnishes for consideration particular information which he has himself received. If the Decree is approved without restriction, it is forthwith affixed in the accustomed places, and this effects the promulgation which gives it force of law.

As the Decrees of Congregations ought to be related to the Sovereign Pontiff, the Secretaries of Congregations have fixed days in every week for their audiences. It is then also that they submit those affairs which have been expedited by themselves and the Cardinal Prefect, without being brought before a full Congregation.

Certain rescripts and permissions of less importance, such as leave to read forbidden books, the Secretary himself grants, in virtue of his own faculties, under his own signature, and with the seal of the Cardinal Prefect.

It is absolutely impossible that the Secretary should in person do the whole of the business which falls to him. He is therefore provided with assistants. There is the Substitute, who has the first place after the Secretary, and who takes the place of the Secretary in his absence.

There has been introduced into the Secretariates of several Sacred Congregations a register called the Protocol. In this there is a record of all cases in hand, with a note of the state in which they are, and with an alphabetical list of Dioceses for easy reference. He who has charge of this register is called the Protocolist. There are also in the Secretariate clerks who make minutes of Rescripts, or transcribe them into the Register.

As regards the Archives of the Sacred Congregations we must note in the first place that there are three conditions which are required by canonists to constitute *public* Archives. They must be erected by those who have the known right to possess Archives, such as the greater Prelates. Secondly, the Archives must be under the guardianship of an official Archivist. Thirdly, the Archivist, in producing a document, must attest its being found preserved among other authentic documents of the same Archives. At first, and when there was not such a multitude

of documents, the Archives were annexed to the Secretariate or Chancery, but from this they are now separate. There is accommodation in the Apostolic Palace of the Vatican for the Archives of all the Sacred Congregations. The documents there preserved are held authentic; and the archivist authenticates with the seal of the Congregation a copy which he has compared with the original. The Sacred Congregations keep at their Secretariates the documents of the last ten years before their removal to the Vatican.

15.

The Consultors of the Roman Congregations are nominated for life. If they are regulars, they cannot absent themselves or be sent out of Rome by their superiors without leave of the Congregation. In order, however, to interfere as little as possible with the discipline of religious orders, only one regular of the same order is taken by a Sacred Congregation as its Consultor.

The qualities demanded in Consultors are, along with exactness and zeal, prudence—that they may not give wrong opinions—probity, lest, rightly thinking, they should fail to say what they think — and benevolence, that

prejudice may not be created against their opinions.

The Consultors of the Sacred Congregation of Rites in causes for canonization must not absent themselves from any one of the meetings of the Congregation, whether preparatory or general; except in case of sickness or for lawful reasons of excuse, of which they must inform the Cardinal Prefect. They must also send their votes to the Secretary, who will relate them to the Congregation. The Consultors are bound to inviolable secrecy. They are forbidden to be postulators of a cause for canonization, or to confer with the postulators and procurators of such causes. If regulars, they cannot be Consultors when the cause concerns any Blessed or Venerable of their own Order.

The Sacred Congregations do not all of them take the votes of their Consultors in the same way. Some of them call their Consultors to the common deliberations, and take their votes collectively or as a body. Other Congregations call on their Consultors individually to give their advice in writing on a special point or question submitted to them. At the Holy Office and the Index there are Congregations of Consultors. When the Sacred Congregation of Rites wishes to take the advice of one of the Apostolic

Masters of Ceremonies, it asks his individual opinion, without calling on the others. The Congregation of Bishops and Regulars acts in the same way with its Consultors, and if the importance of a matter demands the counsel of several Consultors, it is taken separately. Cardinal de Luca in his *Relatio Romanæ Curiæ* thus describes the practice of the Holy Office in his time, towards the end of the seventeenth century; and it closely resembles what we have seen to be the practice at the present day. The Consultors assemble every Monday with the Prelates and others. The process, letters, and reports, are read in their presence, and other matters are investigated for the better instruction of the Assessor, who has to report in another Congregation at which the Cardinals are present. This is held every Wednesday. The Cardinals being assembled, the Assessor standing up relates the business in hand, reading the process, letters, and reports word for word. After the Cardinals have discussed the matter among themselves they, if they see fit, admit the Consultors, who have been waiting meantime in another room, and take their vote or counsel. They then determine whether the matter examined and discussed is such that it ought to be submitted to the Pope. There is on the following day, which is Thursday,

another Congregation of the same Cardinals in presence of the Pope, to whom they give a summary or abstract of the matter discussed by them in Congregation on the preceding day, in order to receive the decision of His Holiness. Sometimes, also, in accordance with the character of the affair in question, the Consultors are admitted to this Congregation which is being held before the Pope. From the decisions then given emanate the commissions which are given to local Inquisitors, or to Bishops, on affairs which concern the faith.

16.

All the Sacred Congregations have not seldom to give judgment in contested causes. These occur most frequently in the Congregation of the Council, and in the Congregation of Bishops and Regulars. Even the Sacred Congregation of Rites does not always confine itself to causes for canonization and to questions of ceremonies, but is called on to give judgment in contested cases of precedence, and other causes in which the parties interested wish to intervene and state their grounds, both of law and of fact. The Propaganda has also sometimes contested cases that come up for judgment. The rules of procedure in such cases are

fundamentally the same in all the Sacred Congregations.

Procedure such as is due to judges of the dignity of Cardinals, and necessary for prompt expedition of affairs, is perfectly in accordance with the essential rules of justice. That judges should give sentence in the absence of parties to the cause is in no way unusual. The old Roman Law allowed the prefects of the prætorium, and other magistrates of rank, to cause their sentences to be read by their subordinates. Boniface VIII. followed this example, and allowed Bishops to give their sentences through other persons, and it is a common practice at the present day for the sentences of judges to be read by other persons. There are even countries where the sentence is not read at all, but is, when given, transcribed into a register, and takes effect from the date of registration.

After the Cardinals, assembled as a Tribunal in the Apostolic Palace, have given sentence, the Secretary notifies it to the parties. Ten days are allowed for application for a 'new 'hearing,' and on the expiry of this term the Decree becomes authentic.

In most of those Tribunals which hold public sessions at which advocates and procurators are present, the judges, after hearing them, retire to discuss the case and give their vote.

The procedure of the Sacred Congregations operates not a little in favour of maturity of judgment.

Litigants being obliged to present their reasons in written memorials do this with more deliberation than there would be if the reasons were given orally by advocates. Further, the right of reply is more seriously as well as more freely exercised in this method of procedure than it could be in public sessions; in which the reply must be given on the spur of the moment, while in the Congregations, after exchange of the memorials, several days are given to prepare the reply. Faculty to make reply is common to both parties, and this is not ordinarily the case in public Tribunals. The judges, moreover, have ample time to examine and weigh the circumstances of fact, the allegations, and the answers; instead of being swayed or led away by the artifice or eloquence of advocates, and with but a few moments for deliberation.

The functions of Advocates in the Sacred Congregations are very different from what they are before other tribunals. Their talent is that of writing well rather than of speaking well. There are none of those dramatic scenes which the history of other tribunals so frequently presents. They have, it is true, to speak in the

verbal informations which they give to the Cardinals, but this differs from that which had place in the old Roman courts under the republic or the empire. There the advocates had to plead before a people and a senate who were, one and the other, for the most part ignorant of the principles of law, and unable to make a scientific judgment of the merits of causes in accordance with the rules of law, while both senate and people were apt to be captivated or biassed by the arts of oratory. In the Sacred Congregations the Advocate sets forth in few words the facts of the case, with the grounds on which he relies, and for which he rejects those of his opponents ; and this he does with urbanity and in simple language. Were he to give way to theatrical display, he would be laughed at. The Advocates who practise before the Sacred Congregations have to make long and serious study both of ecclesiastical law, and of humane sciences, in all of which they ought to be well versed. They must have knowledge of canons and councils, along with other ecclesiastical erudition. They must have some notion of dogmatic theology and of moral theology, to say nothing of civil law and of secular history. Very often disputes which are purely civil, between seculars, are brought before the Sacred Congregations by consent of parties.

There is a difference between the Advocate and the Procurator. The Advocate is a man skilled in civil and canon law, who defends causes in writing or by word of mouth, on the point of law, setting before the judges that which is true in law, or best founded in law, or the principles of law which ought to be applied in a particular case. His is the scientific part of the cause and, following the example of the ancient jurisconsults, he speaks only to the point of law. He has not to do with the process, or with the acts thereof. Matters of fact fall to be established by the Procurators, and it is upon these established facts that the Advocate develops his juridical conclusions. Hence it is that the office of Advocate in the Roman Court is sometimes exercised by ecclesiastics in sacred orders, a practice which seems at first sight to be contrary to the canons and ordinances of Councils. The fact is that the role of an Advocate is not at Rome that which it is elsewhere. The Roman advocates have not the same temptation to calumny or falsehood. They write and speak on matters the fact of which is already presupposed—like jurisconsults, who give their answers on a supposed case; or like professors of moral theology, who give their opinions on a case on which they have been consulted.

The Advocates in the Roman Court receive for their services by way of honorarium only as much as is voluntarily offered to them by their clients. This, says Cardinal de Luca, is very different from the practice in ancient Rome of annual or monthly stipends given under the name of salary. The word *salary* he holds is redolent of dependent service, and therefore incongruous and unbecoming the function of an Advocate. He receives that which is spontaneously given, and shrinks not only from judicial intervention for it, but even from extra-judicial means of obtaining it; with the exception of those who are merely Advocates in name, and who do not deserve to be so-called, and are not so esteemed. By old established usage of the Roman Court, however, there is a fixed and uniform sum for the honorarium of an Advocate. Whether the case is great or small, and whatever the amount involved may be, there is the same sum for his services, and it is very moderate. Written informations, replies, and verbal informations, are rated at the same amount. Whether the case is gained or lost, the remuneration is the same, and clients know beforehand the expense to which they will be put, so far as their Advocate is concerned. There is thus removed all occasion of wrongful action in the

conduct of the cause, and of striving by fair means or by foul to snatch a victory through the stimulus of increased reward; or of assuming the part of a mediator or negotiator, or of currying favour with judges, instead of acting as an Advocate in the conduct of causes on the lines of law and justice.

There is no other country in the world where the poverty-stricken find so many or such means provided for their defence. All the Advocates without distinction exercise this work of charity. They undertake gratuitously the patronage of poor persons who cannot pay. There exists also a pious society of Advocates who meet together on feast-days to receive the requests of those who require gratuitous defence, and to parcel out among themselves the causes of the poor. The Consistorial Advocates also have among the obligations of their state, that of undertaking the defence of poor persons before the tribunals of Rome. In criminal causes likewise there is an Advocate for the poor.

The Procurators of the Roman Court are in reality the undertakers and managers of causes. They draw up the petitions and all the other acts which the right conduct of a cause requires. They have to study the process so as to give an exact relation of the facts, and to suggest

grounds of law which the Advocate is afterwards to develop with his learning and his arguments. They also furnish informations both of fact and law, fortified with reasons and authorities. They in fact do what advocates do before other tribunals in which there are no advocates similar to those at Rome. Hence it has been said by ancient authors that the Procurators of the Roman Court are very much the same as Advocates elsewhere. To them there applies, says Cardinal de Luca, even more than to advocates, the saying of the old canonists that Advocates who do their duty merit more than do Carthusians. Their profession is a dangerous one, with its occasions of calumny, falsehood, prevarication, and fraud.

The honorarium of the Procurators is similar to that of the Advocates, but there is a separate fee for each of the various steps made necessary by the incidents of the cause.

As the poor at Rome find Advocates to defend them, so are there also Procurators of the poor. The Pope nominates one, who has right of audience, and there are pious societies of procurators to lend protection to poor persons in quest of justice. The attitude of the Roman bar has at all times been admirable in this respect.

The Consistorial Advocates were originally seven in number. Seven was a favourite number in the early times; witness the seven Protonotaries and Apostolic Subdeacons, and the seven Clerics of the Apostolic Chamber and Referendaries.

Later on the number of Consistorial Advocates was twelve; with a difference, however, between the seven seniors and the five juniors. The seniors alone had a share in the emoluments of the college or corporation, and of these a larger share fell to the Dean. Co-optation to a vacant place in this college, to be filled by appointment of the Pope, was preceded by two disputations. Of these one was public, and was held with solemnity in the Great Hall of the Palace of the Chancery, in presence of the Sacred College of Cardinals and the whole Court. The other disputation was private, and in it examination was also made of the life and morals, and academical, and even social, status of the candidate, who ought to have the degree of doctor in both civil and canon law. The Consistorial Advocates had their place in the Pontifical Chapel, and in solemn cavalcades, and other functions, after the manner of the prelatitial colleges, and with a violet habit. They had precedence over all other Advocates; so that a junior Consistorial Advocate preceded a senior who was not a

Consistorial Advocate. To this corporation belongs the government and administration of the Roman University of the Sapienza. The Consistorial Advocates are also reckoned as belonging to the Pontifical family, with a portion from the Apostolic Palace. Consistorial Advocateship is moreover a stepping stone to Auditorship of the Rota, and to other high posts.

One of the Consistorial Advocates is appointed by the Pope, with certain emoluments, to be Advocate for the poor. He can have audience of the Pope not only on ordinary days, like other officials, but also on extraordinary days, and at extraordinary hours, when a case is urgent. He is not debarred from private practice in either civil or spiritual causes, in the Rota and other Tribunals, but he is forbidden to undertake the defence of the well-to-do for reward.

From the order of Advocates there is also selected by the Pope an Advocate for causes of the Apostolic Chamber and Fisc, so far as questions of *law* are concerned; apart from the questions of *fact*, which fall to the two Procurators of the Chamber and Fisc. The Fisc is twofold at Rome as elsewhere. There is the

Fisc which is concerned with favours and privileges connected with the Treasury; and there is the Fisc which is concerned with the punishment of delinquents. It is the first of these which belongs to the Apostolic Chamber. The Procurator of the Chamber is styled the Commissary; while the Procurator of the Fisc is styled the Procurator Fiscal. It is the duty of the Fiscal Advocate to advise both of those officials. Hence he has the name of Advocate of the Chamber *and* Fisc.

In the Sacred Congregation of Rites there is another Advocate Fiscal for causes of beatification and canonization. He is called in legal language the Promoter of the Faith, and in colloquial language the Devil's Advocate. His office is to take care lest through inordinate piety or devotion conclusions should be come to which are not admissible. He does not intervene in those causes of faith which come before the Holy Office. That tribunal has its own Fiscal.

The office of Procurator in the Roman Court is reckoned among noble professions, and as not unworthy even of those who might be advocates of the first order. Keeping in mind that elsewhere it is between the *Advocate* and him for

whom he pleads that there is the relation of *patron and client;* this relation in the Roman Court is that between a *Procurator* and him whose cause he undertakes. The consultation of an Advocate is a subsidiary remedy, on the emergence of a difficulty which concerns a point of law. Apart from this the whole burden of a cause falls upon the Procurator, who has to communicate with his client, and it is he to whom the client's confidence is given. Elsewhere than in Rome the office of a Procurator may be merely mechanical, consisting in the compilation of the process. This the Procurators of the Roman Court do by means of solicitors, or of junior assistants. The procurators do in fact what in other places and before other tribunals is done by advocates. Hence it is that the Procurators of the Roman Court are held as equal to the Advocates of other courts.

There was among the Procurators the same distinction as among the Advocates, in virtue of which there were consistorial advocates and procurators, and advocates and procurators who were not consistorial. They are not now, however, called consistorial procurators, but procurators of causes of the Sacred Apostolic Palace; because contested causes are not now transacted in the Consistory. From the College of Procurators, as from the College of Advocates,

have come forth many Cardinals, Patriarchs, Archbishops, Bishops, and Prelates, as well as authors of name and note.

At the High Mass in the Church of St. Eustachius, on the feast of the Dedication of St. Michael the Archangel in September, there used to be present the two colleges of the Auditors of the Rota and the Consistorial Advocates; the Auditors in rochet and *cappa magna*, and the Advocates in their violet habit of ceremony. These were seated within the Chapel of St. Michael. Outside the chapel, and on the right, after the Auditors, were seated on a raised bench, covered with hangings, non-consistorial Advocates in the order of their seniority, who had been invited by the Consistorial Advocates; and on the left, after the Consistorial Advocates, on a similarly covered bench, the Procurators of the College of Procurators, in the order of their seniority. This solemnity was similar to that which was observed at the annual opening session of the Rota in October; and in the annual exequies for deceased Auditors of the Rota, and for deceased Consistorial Advocates.

Certain Procurators are admitted to practise before the Rota, after examination as to their fitness and moral integrity. These are styled Rotal Procurators.

As with the Advocates, so with the Procurators, both as regards the defence of the poor, and as regards practice in connection with the Apostolic Chamber and the Fisc. The Procurator Fiscal has precedence of the Procurator Commissary of the Chamber. He belongs also to the Pontifical family, and has his place in the Palace, and a violet habit like the Pontifical Chamberlains.

Of the two Procurators for the poor, one is selected by the Pope as assistant to the Advocate of the poor, in matters which relate to *fact*, and the drawing up of the process. The other is chosen by the Arch-confraternity of Charity erected in the Church of St. Jerome near the Farnese Palace.

In legal language there are two classes of Solicitors. One class consists of assistants to the pleaders in contested causes. The other class is for the transaction of affairs which come before the Dataria, the Apostolic Chancery, the Penitentiaria, and the Secretary of Briefs; and is therefore concerned more with matters of favour than with contested causes. The first-named Solicitors do the more mechanical work for the Procurators who, if in good practice, leave this to them. One of these solicitors is Solicitor to the Apostolic Chamber.

In common language those alone are called Solicitors. Solicitors of the other class are called Expeditors or Expeditioners.

Besides contested causes which involve opposing interests, the Sacred Congregations have brought before them an infinity of affairs which are not of this nature, and which do not demand juridical procedure. There are matters which have regard to the administration and economy of pious establishments, indults, dispensations, and the like. All the Sacred Congregations expedite an immense number of affairs which belong to this category. At the Holy Office, for instance, there are the Indults for Bishops to dispense from the Lenten abstinence, and from certain matrimonial impediments, and so on. At the Index there are the five year faculties for local Ordinaries to give leave to read forbidden books. At the Congregation of the Council, besides indults and dispensations with regard to the Decrees of the Council of Trent, there is the examination of the reports furnished by Bishops on the state of their Churches, in conformity with the constitutions of Benedict XIV. and Sixtus V., and the revision of the decrees of Provincial Councils. At the Congregation of Bishops and Regulars there is the deputing of Apostolic Visitors or Commissaries to a

diocese, or province, or kingdom; the nomination of a Vicar Apostolic as Administrator in place of a disabled Bishop; the nomination of Vicars Apostolic in default of the election of Vicars Capitular; the sale, exchange, and mortgaging of the goods of churches and pious establishments; and the approbation of Religious Orders, and of their Rules and Constitutions. At the Propaganda there are the various needs of the Missions.

Of these affairs some are submitted to the judgment of the Sacred Congregation in full assembly. Others are expedited after audience of the Pope, or in virtue of the ordinary faculties of the Cardinal Prefect and the Secretary. The Secretary supplies in a memorial a succinct statement of the case, with the informations; reducing the whole matter to one or two principal points, which he submits to the judgment of the Congregation. He quotes also principles of law and juridical cases which bear upon the question.

Memorials and petitions ought to be presented by hand in the Secretariates of the Sacred Congregations. To send them by post is held not to be respectful. Some person must moreover attend at the Secretariate to get the Decree which has emanated from the Congregation. The Congregations have frequently

complained of the use of the public post. Hence the necessity of either employing agents before the Sacred Congregations, or procuring the services of some known person, in extra-judicial affairs.

A Solicitor is, strictly speaking, an assistant or minister of the Procurator with regard to preparatory acts; and he does his work with dependence on the Procurator. He also does in non-contested cases that which the Procurator does for himself in contested causes. The salary of the Solicitor is generally annual or monthly. A Procurator is not therefore the same as a Solicitor; although very often the same person fulfils both functions, and it is also only on emergence of grave difficulty that recourse is had to the aid of an Advocate.

There is another class of Expeditioners who transact business at the Dataria, and at the Apostolic Chancery. They receive a certain fixed fee for each transaction.

Agents undertake both judicial and non-judicial business which Nuncios, Bishops, and other persons may have at Rome. Cardinal de Luca is severe in his strictures on the agents of his time, and reflects on their practice as prejudicial to the good name and esteem of the Roman Curia, although he allows that there were among them men of probity, and worthy of

all praise. The employment of a respectable agent or expeditioner saves both time and money, on account of their experience and familiarity with the necessary routine in the expedition of business.

In the Sacred Congregation of the Propaganda there are officials called *Minutanti*, or minute makers. To each of these is assigned the business belonging to a particular country; either for the expedition of it, or to have it prepared for discussion in the Congress which is held twice a week, or in full assembly twice a month on Mondays. The process before Propaganda is summary, and as far as possible economic. It is drawn up by the *Minutanti*. The *stylus* of this Congregation, that is, its characteristic method, is to act by way of equity and arbitration, rather than by way of judicial contention; so that the Cardinals are more arbiters of the law than judges of the law. Hence the presence of advocates and procurators is not allowed, although the counsel and employment of these is not forbidden to the parties, especially in drawing up their allegations. The allegations, however, must be subscribed by the parties themselves. If there is need for further explanation of any question, either of law or of fact, the opinion of a Consultor will be taken.

It is a singularity of this Congregation that

Agents are not allowed to intervene for the expedition of business before it. This is transacted either through the Procurators of the Missions, or directly with the Ordinaries.

Circular letters were issued by Propaganda in 1892, and again in 1896, complaining of the frequent illegibility of the letters received by it, the difficulty experienced even by experts in reading them, and the consequent loss of time and labour; the badness of the paper and ink used, the paper being sometimes blue, or of dark colour, or transparent, and the ink almost white, with consequent fatigue to eyesight; and the irregularity of the paging, interfering with preservation in the Archives. The Sacred Congregation, therefore, ordained that all letters and documents should be in Latin or, at least, in Italian or French; the knowledge of other languages not being as yet sufficiently common, and the employment of an interpreter taking time, and not always affording sufficient security; (2) that the letters and documents should be intelligibly written, especially as regards names of persons and places, on white paper of fitting size, and with black ink; (3) that they should be paged as in printed books; (4) and that the exact postage should be prepaid by the sender; since, in default of this, the Congregation had frequently to pay double for

insufficient postage, and the annual sum thus subtracted from funds available for the daily increasing needs of the missions was by no means small.

Besides the Apostolic Protonotaries, who are prelates, and who form by themselves a college, or corporate body, which is limited in the number of those who share in the distribution of its funds and emoluments, there are a great number of Notaries of two classes. One class consists of persons who are skilled in the drawing up of instruments—and who have privilege or faculty to do so either from the College of Writers of the Archives, or from the College of Protonotaries, or otherwise from some body which has power to grant it—but who hold no public office. The other class of Notaries consists of those who hold a public office, and who, besides fulfilling the functions of the private Notaries, are entrusted with the drawing up of judicial acts in contested causes which come before the Judges or Tribunals of which they are the Notaries. Private Notaries are frequently the assistants or substitutes of the Public Notaries.

Maturity of judgment, prompt transaction of business, and entire gratuitousness were the three objects proposed to themselves by the

Roman Pontiffs in instituting the Roman Congregations. The collegiate constitution of these Tribunals, along with the co-operation of their consultors, secures maturity of judgment. The procedure in use tends towards promptness of expedition. Decisions, Indults, Dispensations, and the like are entirely gratuitous in the Congregations of the Holy Office, the Index, the Propaganda, and the Penitentiaria. The expenses, including the cost of printing, are not small, but they are all of them defrayed by the Holy See. In the Congregation of Bishops and Regulars the cost caused by the modern practice of printing the informations for distribution to the Cardinals is borne by the parties. If, however, the parties should be content with giving their grounds of action in writing, the Secretary will make an abstract of them, and this is printed at the cost of the Congregation.

The few charges which are found necessary in some of the Congregations do not, as matter of fact, cover the expense to which the Congregation has been put. As an instance of this, in the approbation of a religious institute, a matter which necessitates much writing, application to local Ordinaries, the labour of Consultors, and the expense of printing memorials for distribution, all the charges made were covered by a few crowns.

There remains the question as to which of the parties is to bear the expense of a process, which entails the remuneration of Advocates, Procurators, and other persons. By ordinary law it is generally decreed that the losing party is to bear the burden. From his failing to secure a decision in his favour, it looks as if there had been rashness in his quarrel. In the Sacred Congregations, however, the principle prevails that in them recovery of expenses has no place; so that the successful party cannot by decree of the Congregation recover expenses from the losing party. As regards the question of expenses, as between parties, the Congregation makes no decree. The reason for this practice is to be found in the original institution and innate character of those Congregations. They were originally in the habit of solving only general questions or moot points in law. Ignorance with regard to such matters could not with reason be put down to the fault of the litigant.

The Roman Congregations act in the name and with the authority of the Roman Pontiff, as he is Prince and Ruler of the Christian Commonwealth, as it is one whole. Their procedure is therefore modelled on that of a Prince who is interpreting and executing the law for the commonwealth at large.

To the practice which follows from this principle an exception has, however, been made in marriage cases, cases of aliment, and some cases of contumacy, and of appeal, or rather 'new hearing.' To deter one party from acting to the prejudice of the other party, recovery of expenses may be decreed from an unsuccessful party who is presumed with reason to have been fraudulently striving to worry and wear out his opponent.

17.

As regards the *validity* of the Acts, whether judicial or extra-judicial, of Roman Congregations, it was ordained by Sixtus V. that they should not be valid if in any Congregation there were fewer than three Cardinals. This number Pius V. modified, in the case of the Holy Office, to two Cardinals. In the other Congregations, therefore, there must be three Cardinals at least, along with (in any case) an absolute majority of votes.

As to the *authenticity* of the Acts of Roman Congregations, Urban VIII. ordained, through the Congregation of the Council, that no credit was to be given, either in court or out of court, to any Declaration, whether written or printed, which was not drawn up in authentic form,

sealed with the common seal, and subscribed by the Cardinal Prefect and by the Secretary of the Congregation.

To dispute, however, without reason the authenticity of a Declaration, in order to greater freedom in holding a contrary opinion, would savour of irreverence and rashness. If Declarations by Congregations are found quoted in approved authors, they are as a rule to be held as authentic. In matters of moment, and when there is real doubt of the authenticity of an alleged Declaration, recourse can be had to the Congregation from which it is said to have emanated. This will authoritatively settle the question.

As regards the *competence* of Roman Congregations, since those Congregations deal with the external forum, they have competence only in matters which are of their nature public. Petitions addressed to them must, therefore, bear the name and surname of the petitioners. It is otherwise with the Penitentiaria. This deals with the internal forum, or court of conscience, and in this court the business is of its nature private.

To each of the Roman Congregations a special branch of business is assigned, as appears both from the Bull of its institution, and from

its name. To the Congregation of the Holy Office, and to the Congregation of the Index, are exclusively allotted matters which affect the Christian faith. Questions which concern the rights and obligations of religious belong exclusively to the Congregation of Bishops and Regulars, and would be transacted invalidly by any other Sacred Congregation. With these exceptions it has been introduced by custom, which has now the force of law, or gives validity to practice, that other business may be transacted by one or other of the Roman Congregations indiscriminately. To remedy the abuse of bringing before one Congregation a petition which had already been rejected by another Congregation, Innocent XII. decreed that memorials rejected by one Congregation should not be accepted by another Congregation; and that if, through fraud of the petitioner, or ignorance on the part of the Congregation of the previous rejection, the memorial should be received, and the favour granted, the grant will be invalid. This decree was renewed and confirmed by Clement XIII. Hence it has come to pass that whenever a Roman Congregation discovers that petitions have been already made in the same business to another of the Sacred Congregations, it answers—'Recourse to be had 'to the first Congregation.'

It is, therefore, not allowed to proceed from the tribunal of a Sacred Congregation to any other *Tribunal*, or to any other Sacred Congregation. All that is allowed is that there may be, on cause shown, a fresh examination of the same question. This is called the 'benefit of a new 'hearing.'

There exists in all the baptized an innate and inalienable right to have recourse to the Holy See, or Roman Church, which is the Mother and Mistress of all churches; and that, if need be, without going through intermediate processes of appeal.

By the name of *Holy See* is here to be understood not only the Roman Pontiff in person, and acting either by himself or through some special deputy; but also, with due proportion, all the offices or departments of the Roman Curia, which have been lawfully constituted, and which proceed officially, with observance of law: such as the Sacred Congregations, the Signature of Justice, and the Roman Tribunals.

There are many cases in which the Holy See ought to be approached, or in which it can be approached. Those matters are proper to the Holy See which belong to the Roman Pontiff in his character of Father of Christ's children—Prince of Christ's subjects—Teacher of Christ's

disciples—Judge and Healer of the members of Christ's mystical body—and Vicar of Christ, for the right ruling and government of the flock of Christ.

In contested cases recourse may be had to the Holy See whenever one has been unjustly condemned by a lower ecclesiastical court; and this by way of appeal from the sentence of that court. Even in the case of a really guilty person who has been justly condemned, he can have recourse to the Holy See to beg for relief from punishment through condonation of his crime. In matters of gratuitous *favour* recourse can be had to the Holy See by a private person, for his own individual benefit. Recourse can be had also in the same way by the head of any Christian community for its common welfare.

The right of recourse to the Holy See is, however, like every other human right, whether public or private, to be used with moderation, discretion, and prudence. The exercise of it, therefore, is not encouraged, nor is it approved of, in every conceivable case. It is not encouraged in the case of those who, from intellectual indolence, would seek to have supplied to them the solution of a question, to save themselves the trouble of looking for and finding the answer. This occurs chiefly in matters of moral theology, and of liturgical science. The

officials of the Sacred Penitentiary, and of the Sacred Congregation of Rites, frequently complain of this abuse. It tends both towards disesteem of ecclesiastical discipline, and to the damaging of sacred studies. Such persons would seek to narrow the field of freedom, both of opinion and of action, in cases in which the Church has not taken the initiative, or has not given any definitive judgment. The natural development of ecclesiastical discipline would be hindered, if all things were to be settled out of hand by supreme authority. Science consists in the setting forth of principles from which the consequences are deduced by reasoning, to be reduced to practice. If all things which belong to practice were to be defined by the authority of the Holy See, from which there is no appeal, there would be an end to moral theology, as it is a science. There would be no longer need for recourse to principles, and so science, as such, would languish and fade away. Science would be reduced to the level of an art. This would be an evil, not only from the speculative standpoint, but also from the practical point of view. The principles of science, moreover, or at any rate the more important of these principles, are neither many in number, nor are they very obscure, and so they can easily be reduced to practice by men

of skill. It is not so in the case of an art. An art depends rather on the dictates of experience, of authority, and of circumstance.

The officials of the Roman Curia would speedily be buried beneath their burden if all manner of questions were to be indiscreetly brought before them. At the time when the Sacred Congregations were instituted, three or four centuries ago, the facilities of communication throughout the world were not what they are to-day, and consequently the crowd of applicants was not so great. The burden therefore laid on the Congregations was at that time bearable. What would that burden be in these days of rapid transit, of cheap postage, of telegrams and telephones, if the Congregations were to be at the mercy of an unreasoning mob of questioners? Hence we need not wonder that the Roman Congregations not seldom abstain from giving direct and explicit answers to questions put to them. We wonder rather at the urbanity of the snubs which they administer to the impetuous and the unwise in answers such as—'Let approved authors be 'consulted'—'Read'—'Not to be answered'—'Let the petitioner make use of his own right,' which implies—and be content with it.

The Church moreover does not will to be always interfering with local custom, even if that

custom should be at variance with her own law. There are many legitimate local customs, in virtue of which a practice becomes lawful which would otherwise be unlawful. Necessities of the time, or circumstances of place, sometimes demand that in prudence there should be some departure from common law. This the Church may, like any other ruler, be willing to permit or tolerate, even when she has not the will to go the length of stamping it with her authority. It is one thing to tolerate, and it is another to authorize. The principles in one case are not the principles in the other case. The methods also differ. In tolerating there is merely passive abstention. In authorizing there is active interposition. The prevailing of a custom against a law is not an injury to the lawgiver, when the rise and progress of that custom has his tacit consent. This consent is always supposed as necessary in order to the formation in course of time of a custom which will ultimately have the force of law, and so, like a later law, avail to abrogate the former law to which it is opposed. A lawgiver, moreover, not only has it in his power to arrest the growth of a custom by intimating that he does not consent to it, but he can also preclude all supposing of his consent. This he can do by declaring in his law that no custom shall have force to prevail against it.

Hindering all possibility of supposing his consent, he thereby hinders the custom, not in growth merely, but in its creation. It never can have existence as a custom, and so can never merit the name of custom. Any practice contrary to such a law is, and must always remain, an abuse. To make such a law is certainly within the competence of the Roman Congregations. It has, in fact, been done by the Sacred Congregation of Rites, which has once and again decreed that no custom whatsoever—be it *immemorial*, or be it *inveterate*—has power to prevail over its declarations, decisions, and decrees. These are to be held as 'oracles 'of the Pontiff;' and this even if the Pontiff has not been consulted, and the utterances have been given without any reference or relation of them to him by the Cardinal Prefect or by the Secretary of the Congregation. They have the same authority as they would have had if His Holiness had in person uttered them by word of mouth.

The Church does not always see fit to interpose her authority in every case, and she is not always willing that she should be petitioned to intervene. She has to look, not merely to the private benefit of her individual children, but also, and in the first place, and above all, to the common welfare of the whole

Christian Family. She may be ready to grant a privilege, or exemption from general law, in favour of an individual, while she is not inclined to make a law, or to give a general decision which might be misconstrued in the application of it to particular cases, or to issue an interpretation which might be extended beyond her meaning. This is in a special manner true of the Roman Congregations, as they form the central machinery which the Roman Pontiff uses in the exercise of his supreme power of government of the Universal Church.

CHAPTER VII.

Papal Blessing.

The words 'benediction' and 'blessing' are now, in the English language, synonymous or practically interchangeable. In pagan England to *bless* meant to mark with sacrificial blood, and thus to render sacred and separate from profane uses and from evil influences. On the conversion of England to Christianity, blessing came to stand for benediction, and the two words became at length convertible terms. As the more English of the two, we shall chiefly use the word blessing in these pages. Even in *benediction*, however, the old sense of *blessing* is not excluded. All benediction or Christian blessing has its source in the Precious Blood poured forth in sacrifice on Calvary. This was foreshadowed both in Judaism and in Paganism. There was a figure of it in the Divine economy of the Mosaic dispensation. Moses took blood and sprinkled the book, and all the people, the tabernacle also, and all the vessels of the ministry, and, as St. Paul reminded the Hebrews, 'almost all things according to the Law are

'cleansed with blood." The Pagan blessing with blood was itself a practice which sprang from the survival of a true principle which formed part of the Patriarchal dispensation or primitive revelation. Somewhat at least of this, however corrupted it may have been, persevered in the ancient Paganism.

Benediction is derived etymologically from (*benè dicere*)—well-saying. To bless, says St. Thomas, is to 'say good;' and good may be said in three ways—by way of statement, by way of command, and by way of wish. Good is said by way of *statement* when one praises the good of another, as when it is said in Ecclesiasticus—'The lips of many shall bless him that is liberal of his bread.' When good is said by way of *command*, it is said with the authority which properly belongs to God alone, by Whose command *good* is derived to creatures. The ministerial exercise of this authority belongs to the ministers of God, who invoke the Name of the Lord upon His people. In this sense God said to Moses—'Say to Aaron and his 'sons, Thus shall you bless the children of 'Israel, and you shall say to them, The Lord 'bless thee, and keep thee. The Lord shew 'His Face to thee, and have mercy on thee. 'The Lord turn His Countenance to thee, and 'give thee peace. And they shall invoke My

'Name upon the children of Israel, and I will 'bless them.' Good is said by way of *wish* when it is said in the Book of Psalms—'May 'the Lord bless thee out of Sion, and mayest 'thou see the good things of Jerusalem all the 'days of thy life, and mayest thou see thy 'children's children, and peace upon Israel."

St. Thomas also explains the difference between two meanings of the word 'bless.' We are said to *bless* God; and God is said to *bless* us. With God to *say* is to effect. 'He spoke, 'and they were made.' Hence, for God to bless is to do good, or pour forth good. God's blessing has in it the idea of a cause. God blessed his creatures in the beginning, saying 'Increase and multiply;' and he blessed the first man and woman, saying 'Increase and 'multiply, and fill the earth, and subdue it, and 'rule over all living creatures that move upon 'the earth.' For us men, on the other hand, to say is not to cause. It is only to recognize or express. Hence our blessing God is our recognition of God's goodness.

2.

It is with the *imperative* form of blessing, or blessing by way of *command*, that we are at present concerned. This belongs primarily and

principally to God, as God is the Giver of all good things. It belongs secondarily to certain creatures, as they are God's ministers. A man can be a minister of God in two ways: either by reason of an *action* which he does, as he is an *instrument* of God, while God is the principal agent; or by reason of an *office*, which he fulfils as he is the minister of God, but in such wise as that the action done in virtue of his ministerial office is *his own* proper action, and cannot be said to be an action of God. Sacramental words, uttered by God's minister, are words of God and of His Christ. They may, indeed, be called a *blessing*, as when Christ took bread and *blessed* it; but the blessing which we are about to consider is the blessing which is given by God's minister through his own proper action. In this sense *Blessing* may be defined as being—an invocation of the name of God over a person or thing, made with authority. It is of the idea or essence of blessing that it should not only be given with authority, but that the *mode* of its being given should be authoritative. In this way does a blessing differ from a prayer. Although public prayer, as distinguished from private prayer, cannot be made by a priest except with authority, and as the priest is a *public* person, and not a private person, yet the *act* of praying is in itself not an

authoritative act, but a deprecative act. In blessing, the act itself ought to be authoritative. St. Paul, in his epistle to the Hebrews, shows the superiority of the priesthood of Melchisedech over the priesthood of Aaron, in this that Melchisedech *blessed* Abraham, and he argues that 'without all contradiction the less is blessed 'by the better.'

It is certain that power to bless has been bestowed upon and belongs to the Church of Christ. This is the blessing which is called *ecclesiastical* blessing. It belonged to the priesthood of the Old Testament. With still greater reason must it belong to the priesthood of the New Testament. Priests are ordained, as St. Paul says, to be ministers of Christ, and dispensers of the mysteries of God. Through blessings the graces and gifts of God are dispensed to men; and it is for this reason that the Church has annexed the function of blessing to the order of the priesthood. Priests alone are the ordinary ministers of ecclesiastical blessing. Power to bless, however, can be and sometimes is bestowed by the Church on clerics who are not priests. There was a hot dispute in the seventeenth century as to whether Cardinal Deacons had power to give a solemn blessing in their own titular Churches; and it

was settled in favour of the Cardinal Deacons by the Sacred Congregation of Rites. It has been decided also by the same Sacred Congregation that the blessing of the salt in a solemn baptism is a blessing, properly so called, and not merely an exorcism; and that a deacon who is solemnly baptising, lawfully and with due authority, is to do everything contained in the Roman Ritual, without anything having to be supplied by a priest. A deacon also who, in place of a priest, and with leave of his Vicar Apostolic, is carrying the Viaticum to the sick, has power to sprinkle with holy water, to say the *Misereatur* and the *Indulgentiam*, to sign the sick man with the Cross, to say the *Dominus vobiscum* with the prayer, and to give the blessing to the sick man and to the assistants with the Blessed Sacrament. This also has been decided by the Sacred Congregation of Rites.

There is a distinction between a simple blessing and a liturgical blessing. There is no fixed rite for a *simple* blessing. It is sufficient that the name of the Lord should be authoritatively invoked on the person or thing to be blessed. This may be done even mentally, and without words. In *liturgical* blessings the rite and the formula prescribed by the Church have to be used.

There is a difference between blessing and

consecration. Consecration contains blessing, but blessing does not contain consecration. Consecration adds to the blessing of an object, whether a person, a thing, or a place, perpetual dedication of it to the divine service. This could be done apart from a blessing, but the Church does it by means of blessing. This blessing is called *consecratory* blessing.

The effect of blessing is as manifold as is the good towards the obtaining of which a blessing may be directed. Hence, not only actual graces but temporal benefits are numbered among effects of blessing. A blessing is something more than a prayer. A prayer is made to God, a blessing is given in the name of God.

3.

Blessings are as a rule given only to the faithful, and to objects which are for the use of the faithful. Blessings are nevertheless occasionally given to persons who do not profess Christianity, and who have not been baptised. The reason why it is possible for these blessings to be given is because blessing is not an act of jurisdiction which is exercised on subjects, and which therefore requires previous baptism, since all the baptised, and the baptised alone, are subjects of the Church. Neither is blessing a

sacrament, which supposes previous baptism, as baptism is the gateway of the sacraments. Blessing is merely a bestowal of Divine favours.

In the eighteenth century many Turks and other Mahometans were wont to have recourse in sickness to Catholic priests, to have read over them Psalms and Gospels from the Roman Ritual for the Visitation of the Sick; or to get tickets to wear, with certain prayers and blessings written upon them. This was reported to Propaganda by the Bishop of Scutari, and the matter was referred to the Holy Office. This Sacred Congregation met in presence of Benedict XIV. in 1749, and issued an Instruction. It directed the missionaries to be careful to impress on the Mahometans and other infidels whom they blessed, or to whom they gave the tickets, that the effect desired would not infallibly follow, that they were not to put their trust in any such superstitions as the number of words on the tickets, or the wearing of them at certain hours, or the attachment of them with strings of a particular kind, and that there should be no mixing up of sacred words or the sign of the Cross with vain and superstitious signs or marks, and that care should be taken that the tickets were not profaned. With these and similar precautions certain prescribed prayers and

blessings might be used. Again, in 1768, the Holy Office declared it to be lawful for Catholic priests to go to the houses of Turks, and to bless the sick, and to pray over them for health of body, and enlightenment of mind. They were not to leave the tickets if there should be risk of irreverent treatment of them; and in any case those tickets were not to have attached to them relics of the Saints, or anything that had been touched with Holy Chrism, and in every case they were to be given gratis, and without any payment.

4.

Besides the ecclesiastical blessings which belong to and are given by the Church, there are also authoritative blessings which may be given by parents. In all nations and ages there has existed the custom of parents blessing their children, and with the blessing which is regarded as an act of paternal power. It is looked on as entirely different from the blessing which a son, as such, may give to his parents. That is simply a blessing by way of *wish*. This common notion is in accordance with our conception of blessing, as properly given by God, either directly or through His ministers. As the Church of God is the minister of God for man's

supernatural life; so are parents God's ministers to man for the life that is natural.

Superiors and superioresses of religious communities are in the habit of giving their blessing, and with reason, since their power is on the model of paternal power.

According to St. Thomas, the blessing of a saint or holy person, in whom Christ is dwelling through sanctifying grace, is a blessing by way of *wish*. So also is the blessing given by old men. 'Old age is venerable,' says the Book of Wisdom; and the blessing has its foundation in the holiness which is presumed as existing in the aged. A father's blessing has its foundation in the authority which is derived to parents from nature itself. One does not ask for a blessing from a hoary sinner, but the blessing of even a wicked father is efficacious. It is recorded of Benedict XIV. that in bidding farewell to two Lutherans he said—'My children, 'the blessing of an old man is accepted by all 'nations. May the Lord enlighten you!'

The power to bless belongs to the Church of God, and that by Divine right; since blessing is from God, and to Him it belongs to select His ministers of blessing. The rite in blessing has not, however, been fixed by Divine law; nor has Divine law determined the persons who have

power to bless. It belongs to the Church, therefore, to designate both one and the other. As the subjects of power to bless she has specially designated her priests. We read in the Roman Pontifical that a priest is to 'offer, to *bless*, to preside, and to preach.' There exist in the Church three distinct powers—power to sanctify—power to teach—and power to rule. Power to *bless* falls under power to *sanctify*. A blessing is given chiefly in order to sanctification, for the sake of which other supernatural gifts are also given. Power to sanctify, and power to bestow sacred gifts of Divine institution, that is to say, sacraments, belong to power of Order. It is therefore fitting that power to bless should be annexed to power of Order, and to priesthood. In the priesthood, however, there are two grades. There is the presbyterate, and there is the episcopate; and in the grade of Episcopate the Roman Pontiff has supereminence. To each of these grades are appropriated, or attributed with foundation in fact, special blessings. There are presbyteral blessings—episcopal blessings—and Papal blessings.

Papal blessing is also called *Apostolic* blessing. It is so called not only because the Pope is the successor of Peter, the Prince of the Apostles, but because the Pope is invested with that

power of Apostolic authority and universal government which belonged to the Apostles, and which has not descended to any other Bishop. Papal or Apostolic blessing is therefore reserved to the Roman Pontiff. He alone is the proper minister of this particular kind of blessing. It cannot be given by any other person, unless he has been authorized by the Pope to give it in his place and name.

Among Papal blessings there are the blessing of Agnus Dei, the blessing of the Golden Rose, the blessing of the Sword and Hat, and the blessing of the Pallium; and, in general, all blessings which have such indulgences attached to them as the Pope alone has power to grant.

Although the Roman Pontiff is, of the nature of the case, above all ecclesiastical law, inasmuch as he is supreme ruler in the Christian commonwealth, yet Pontiffs have laid down for themselves certain rules, which they are in the habit of observing in the bestowal of their blessings.

5.

Those blessings, by means of which persons or objects are made permanently sacred persons and sacred objects, so that neither can their state of sacredness be undone, nor can they

themselves be lawfully turned to secular employments or profane uses, are what are called *constitutive* blessings. They not only bless, but they constitute or establish in a hallowed state of life in the case of persons; or in a hallowed state of being in the case of objects. Some of these blessed objects, such as the Paschal candle, crosses, and the branches blessed on Palm Sunday, signify and represent sacred things. Some are through constitutive blessings dedicated to the Divine service, such as Abbots, Abbesses, churches, and sacred vestments. Some, again, are to be used in the rite of blessing other persons or objects, such as chrism, the oil of catechumens, the oil of the sick, incense, and holy water. All of these pass, by means of the constitutive blessing of them, into the *special* power of Christ as Lord, and are made His by *special* right; in virtue of which they cannot, without sacrilege, be transferred to common uses. They have been raised from the condition of the natural to a state of supernatural excellence. They have been made, as St. Thomas says, in a manner divine, so that a certain reverence is due to them. This reverence done to them is referred to God and, as it were, passes on to God.

Blessings of persons may be either particular

blessings or general blessings. *Particular* blessings are blessings of a particular person, or of a particular community of persons, as that community is an individual whole, and forms one moral person. The blessing given for the hour of death is a particular blessing. It is given for one dying person. The solemn blessing 'on the People' is a *general* blessing.

We have said *on* the People (*super Populum*) and not *of* the People for a reason which wiil appear by and bye. The word *People* may be used and understood in various senses. It might stand for all sorts and conditions of men, or it might exclude Senators. Thus we speak of the Roman Senate and People, *Senatus Populusque Romanus;* and we speak also of Prince and People. The word *People* might again stand for all Christian people, or it might exclude the Clergy. Thus we speak of the Clergy and People. It might likewise stand for all people whomsoever with the one exception of their superior. It is used in this sense when we speak of the blessing *on the People.*

Blessing *the People* belongs to him who has a people *of his own*; or a community of men, towards which he stands, as it were, in the position of the father of a family. The Roman Pontiff has power to bless 'the people' in every place of the whole earth. Bishops have power

to bless 'the people' of their dioceses. Archbishops on visitation have power to bless 'the 'people' of their provinces. It is granted to Abbots to bless 'the people' in their churches. For this, however, they must have an Apostolic Privilege. This, moreover, they can use only at the end of either Solemn Mass, or Solemn Vespers.

A simple priest, as such, has not power to bless 'the people.' It is now permitted to him at the end of the Mass which he has been saying; but in ancient times the blessing was given, not by the priest who had been celebrating, but by the Bishop, if he was present, or in his absence by the Archpriest, at the Bishop's command.

6.

The effect of Papal blessing may be twofold. There is an essential effect, and there may be an accidental effect. The *accidental* effect may be actually produced, or it may perchance not be produced. It differs also with the difference which exists between various kinds of blessing. Since the accidental effect is not caused *immediately* by the blessing itself, it is an effect which is *extrinsic* to the blessing. The *essential* effect of a blessing is derived from the very nature of

blessing, which is of the nature of a *cause*. This effect is *intrinsic* to the blessing, and is always produced by a blessing. It is a Divine benefit indeed, but it is not always that particular benefit which is asked for, or expected, or desired. It is nowhere revealed that God will grant that precise benefit for the obtaining of which He is invoked. This uncertainty is a reason why the Church in her blessings makes so much use of the prayer of petition or supplication, and of the sign of the cross. The sign of the cross has its efficacy derived to it from the death of Christ. It is in itself a virtual invocation, and a deprecation for the sake of Christ's death.

The plenary Indulgence attached to a Papal blessing is an *extrinsic* effect of that blessing, through which and by means of which the Indulgence is given. The Indulgence is in itself and *immediately* due to power of jurisdiction, of which the giving of the Indulgence is an exercise. The disposition of the subject for gaining this Indulgence is, on the other hand, an *intrinsic* effect of the blessing. It is an effect which is proper to the blessing itself. Since this effect is not fixed, or determined in its kind or measure, it varies with the various needs of the persons to whom the blessing is imparted.

Power to bless authoritatively has its foundation in participation of God's paternity; as God is creator and sanctifier of His creatures. The more a minister of God participates, therefore, in this paternal power of God, the more efficacious will be his blessing. The whole of this power of paternity, so far as it is communicable to man, exists in the Supreme Pontiff; and it is derived to him immediately from God Himself, and not through any intervention of man or men. The faithful have reason, therefore, in that feeling or persuasion of theirs which causes them to attribute greater efficacy to Papal blessing than to any other blessing, and greater efficacy to a Bishop's blessing than to a priest's blessing.

Power of Order is certainly the same whether in the Pontiff or in a Bishop, and so the effect of a sacrament ministered by either of them is precisely the same. Power to bless, however. falls under power of Order only by way of *analogy*. The analogy is in this, that as power of Order is power to sanctify by means of *sacraments*, so power to bless is power to sanctify by means of a *sacramental*. The action of blessing differs from the action of sacraments not only in its immediate effect, but also in the action itself. The immediate effect of a sacrament is sanctifying grace. This grace is produced only *mediately* by a sacramental. The action in a sacrament

is the action of Christ Himself, whoever may be His minister. The action of blessing is the action of him who blesses. The greater, therefore, his power to bless is, the greater will be the effect of his blessing. Hence the feeling of the faithful, with regard to the greater efficacy of Episcopal and Papal blessing, has its foundation in the very nature of blessing.

7.

The Roman Pontiffs are in the habit of delegating their power to bless. Power to delegate is an effect of a particular kind of jurisdiction. Jurisdiction may be either ordinary jurisdiction, or delegated jurisdiction. *Ordinary* jurisdiction is that which he possesses who has jurisdiction in his own right. It is attached to the office or dignity in which he is placed. It is derived to him from either common law, or canon law, or custom which has force of law. *Delegated* jurisdiction is that which one has by commission from another, who himself has ordinary jurisdiction.

A delegate may be acting in one or other of two ways. He may be acting in his own person, and by his own action; although in virtue of power which has been committed to him by another. He may also be acting in the

person and place of that other; and so that his action is morally the action of him who has delegated to him his power.

Thus, in the case of a Bishop's Vicar General, although his jurisdiction is *ordinary* as regards the exercise of it, yet it has its origin from commission through mandate of the Bishop. Hence there is no appeal from the sentence of the Vicar General to the Bishop. Both form one tribunal. The Vicar General occupies the place of the Bishop, and *personates* the Bishop; and so to appeal to the Bishop against his Vicar's sentence, would be to appeal to him against his own sentence. It is otherwise with a judge who has been *delegated* by the Vicar General.

It is not every person who is capable of being a delegate. For this it is required that he should be capable of possession of jurisdiction, and not incapacitated for receiving it, either by nature or through enactment of positive law. Power of Order is not communicated by will or word alone, or through bare commission. It is communicated only through imposition of hands. Hence, when power of Order is said to be delegated, we are to understand that what is delegated is *exercise* of power of Order, for power of Order is not and cannot be delegated. Since no one can lawfully exercise power of Order in the Church, without mandate of the Church,

this mandate is required. It is either given habitually and permanently along with the office, or as attached to the office in which a person is installed; or it is given transiently or temporarily through particular commission. In the first case, the power of Order is called *ordinary* power. In the second case, it is called *delegated* power, although that which is really delegated is *exercise* of the power of Order. A delegate cannot sub-delegate, for he cannot go beyond the terms of his commission. Hence, he to whom it is granted to exercise power to bless cannot communicate this power to another; unless in his commission, and along with his own delegation, he has received also power to sub-delegate. The two faculties are distinct, and the one does not of itself carry the other along with it.

In considering delegation by the Roman Pontiff of power to give the Papal blessing, we have in view *true* delegation, in virtue of which it is *the delegate himself* who blesses.

Very different from this is the case of a commission sometimes given by the Pope to a prelate to testify that he, the Pope himself, has given the blessing. In that case, the Pope blesses there and then, or at the moment when he gives the commission; but blesses under condition that the blessing is asked for, and

bestowed through intervention of the prelate. When this condition is verified, the conditional blessing becomes an absolute blessing. Here it is the Pope himself who blesses.

In our case, on the other hand, the delegation is delegation of power in virtue of which the delegate is not simply a witness and intervening channel of a blessing already given by the Pope, but it is the delegate himself who truly blesses.

8.

There are many Papal blessings—or blessings which are proper to the Pope—and power to impart these various blessings is not always delegated in the same way. Some Papal blessings are never delegated. Other Papal blessings are frequently delegated. There are others again which are sometimes, but rarely, delegated.

The blessing of Agnus Dei, of the Golden Rose, of the Sword and Hat, and of the Pallium, is never delegated; that is to say, in the sense that the delegate should have power to bless these objects in his own name. If delegated, he will bless them in the name and place of the Pontiff himself.

Among Papal blessings which are frequently delegated, we find the Papal blessing of rosaries,

and other objects of piety—the Papal blessing in the hour of death—Papal blessings with a plenary Indulgence attached to them, such as those Papal blessings which are given at the close of Missions—and Papal blessings 'on the 'People,' which also have a plenary Indulgence attached to them.

Faculty to bless rosaries, crosses, crucifixes, small statues, medals and the like, with the Papal blessing is granted under certain conditions, compliance with which is necessary in order to validity. He who blesses these objects must be one who is approved and has faculties for hearing confessions, although not necessarily for hearing confessions in the place where he gives the blessing. He is to bless the objects privately, and not publicly in a church or oratory where the people are assembled, or at the end of a public office, with the objects either held in the people's hands, or laid upon an altar. The objects can be blessed only *outside the City;* and by that is meant the City of Rome, as is always meant when the City is mentioned without any qualification. This is prescribed as an observance of the homage and reverence due to the Roman Pontiff; and for the same reason that Bishops consecrated in Rome date the Pastorals printed in Rome and published by them on the day of their consecration from outside that

gate of the City which is in the direction of their dioceses. Our older readers may remember the date 'Outside the Flaminian Gate,' of that famous Pastoral of Cardinal Wiseman, which raised such a storm in Protestant England.

For giving Papal blessing to objects of piety, there is required also the consent of the local Ordinary; that is, the Bishop, or the Vicar-General, or the Vicar-Capitular, or lawful Administrator, as the case may be. The local Ordinary is a superior who is in possession of true jurisdiction in the place at which the blessing is actually given. If faculty to bless has been obtained to be exercised by exempt religious within the bounds of the monasteries or convents or residences of the Order, the leave of a Superior who has true jurisdiction in the Order, such as the Abbot, the Provincial, or the General of the whole Order, is sufficient. Outside those places, the leave of the Ordinary of the Diocese is required.

The Brigettine Indulgence can be given to rosaries only. The reason is because, in order to gain it, one must have the rosary in one's hand, and must be using the beads while reciting the prescribed prayers. For gaining other Apostolic Indulgences it is sufficient to have the rosary, or other blessed object, about one's person.

Hence the rosaries to which the Brigettine Indulgence is attached, are called in the Rescript 'praying rosaries.' All this has been provided for by the Sacred Congregation of Indulgences and Sacred Relics.

9.

Crucifixes to which Apostolic Indulgences have been attached through the blessing of them by the Supreme Pontiff, or by his delegate, have also, along with many other Indulgences, a plenary Indulgence in the hour of death; but in favour only of the person to whom the crucifix belongs.

The Pope sometimes attaches an Indulgence in the hour of death to a crucifix in such wise as that several persons may gain the Indulgence by means of the same crucifix. He sometimes does this for the benefit of the owner, and for the benefit of those to whom the owner may hand the crucifix to be kissed or touched in the hour of their death. Sometimes, again, the Indulgence is attached to the crucifix without any reference to the owner handing it to the dying man. In this case, the Indulgence attaches to the object, and not to the person; that is, to the crucifix itself, and not to its owner. A grant of the first kind of crucifix blessed for the hour of

death was given to the Order of 'Clerks Regular 'ministering to the sick.' In terms of the grant, each of the professed of this Order was to have his own crucifix which, once chosen, could not be changed and another substituted for it, except in the event of its being lost. Whenever he should hand this crucifix to any one of the faithful in the hour of death, the dying man would gain a plenary Indulgence. He must, however, have been truly penitent, and have been to confession and communion; or if this was impossible, he must have been at least contrite, and have devoutly invoked the name of Jesus, if not with his lips, at least in his heart, and kissed or touched the image of the Crucified. The Fathers of the Society of Jesus enjoy the same privilege.

The Papal blessing in the hour of death is a blessing given by delegation of the Pope, along with a Plenary Indulgence to be gained in the true hour of death. The *true* hour of death is that moment after which death follows immediately. It is so called to distinguish it from the *presumed* hour of death. This is that time when the sick man is supposed by the physicians to be about to die; although, either from natural causes or through Divine interposition, he, as matter of fact, and against all hope, does not

die. This presumption of death is that which is sufficient to justify the sick man's being absolved by any priest whomsoever from all reserved cases. This is the legal and usual meaning of the phrase.

The time for which an Indulgence for the hour of death is granted *to be given* is to be distinguished from the moment at which the Indulgence *is gained*. Although the absolution in the formula of blessing is given in the present, yet nevertheless it exercises its force in the future; that is to say, when the condition of the blessing is verified in actual death. Hence the Papal blessing for the hour of death ought not to be postponed till the sick man is at his last gasp of life, lest peradventure he should die before receiving it.

Statuettes made on the model of the famous statue of the Prince of the Apostles in St. Peter's at Rome have, through being blessed by the Pope, an Indulgence attached to them of fifty days, to be gained once a day, by the owner of the statuette, and by all the members of his family who are living at home with him; if, with truly contrite heart they kiss the foot of the figure, and devoutly pray for concord between Christian princes, the extirpation of heresies, and the exaltation of our Holy Mother,

the Church. It is not necessary, as it is necessary in the case of crucifixes for the hour of death, that this favour should be specially asked for from the Pope. When the statuettes are brought, along with other pious objects, to be blessed by the Pope, the Indulgence attaches to them by the fact of their being blessed.

The Papal blessing given at the close of Missions is a blessing made with *one sign* of a cross or crucifix, by delegation of the Pope. To this blessing a Plenary Indulgence is attached, and given through and by means of the blessing. For the conditions of this blessing in individual cases, the tenor of the Rescript granting it is to be looked to. A standard for its interpretation is, however, supplied by the tenor of a general Rescript of the Sacred Congregation of Indulgences and Sacred Relics. This Rescript declares that the Indulgence may be gained by all the faithful of both sexes, who are present at the closing sermon of Lent or Advent Missions and Spiritual Exercises, given with leave of the Ordinaries; and who being truly penitent have been to confession and communion, and have heard at least five of the sermons.

10.

The Papal Blessing 'on the People' is a blessing, with a plenary Indulgence attached to it, which is given on certain solemn occasions, by delegation of the Pontiff, and in his name, and place and person, to the faithful *formally as they are subjects* of the Roman Pontiff. It is this which makes the specific difference between this blessing and other Papal blessings. This is apparent from the tenor of the Brief by which faculty for this blessing is given. Beginning with a narrative of the blessing given by our Lord at His Ascension, and of His example whereby He taught what those ought to do whom He left as His Vicars on earth for the government of the Catholic Church, the Brief declares that by ancient custom, and venerable institution of the Apostolic See, the Roman Pontiffs have been wont on certain sacred days to impart a blessing to the Christian people present after the solemnities of Mass, and to open to them the heavenly treasures of the Church by the grant of a plenary Indulgence. Since, however, the Brief continues, all the faithful everywhere cannot possibly present themselves at Rome on these stated days, and nevertheless very many desire to be partakers of the Apostolic Blessing—'We have decreed to

'grant the power of imparting it to Our brethren 'the Patriarchs, Primates, Archbishops, and 'Bishops, and to those lesser Prelates also who 'have right to use Pontificals, and who have a 'territory which is separate and exempt.'

Our readers will remember the difference, which we have indicated, between a delegate who not only acts in virtue of power committed to him, but with this power acts also *in the place and person* of him who delegated the power; so that his action, while physically his own action is, nevertheless, *morally* the action of him of whom he is the delegate—and a delegate who acts *only* in virtue of the power committed to him, without *personating* him who delegated that power. Since the Roman Pontiff is the common Father of the whole Christian people, and he cannot always be journeying throughout the world to bless all his faithful; while, on the other hand, the majority of the faithful have not the opportunity or the possibility of travelling to Rome; His Holiness, in order that he may exercise his function as Father towards all his children, delegates to certain persons, chiefly among those prelates with whom he divides his charge of the Church, that in his name and person, and as personating him, they should bless the faithful subject to him.

Other Papal blessings are given to the faithful,

either as individuals or as communities, or as individual assemblies or congregations, but apart from the idea of *special subjection* to a particular authority. This Papal blessing is given to the faithful formally as they are one and all *sons and subjects* of the Roman Pontiff.

An Episcopal blessing is a blessing which is given by a Bishop, as to *his own* subjects within his own Diocese. The Universal Bishop, *cujus Diocesis est Orbis terrarum*, has power to bless the faithful who are, not mediately through the Bishops but immediately, his subjects throughout his world-wide Diocese. Hence the Papal Blessing 'on 'the People' is *par excellence* and autonomastically—The Papal Blessing.

Any public blessing given to a congregation of the faithful assembled in a church, as, for instance, the blessing given in Benediction of the Blessed Sacrament, or blessing given with a Relic, is in a sense a blessing 'on the people.' In its strict sense, however, a blessing 'on the people' is the blessing which the *Pastors* of the Church pour forth on the peoples *subject* to them. In this sense blessing 'on the people' is proper to the Roman Pontiff and to Bishops alone. It does not belong to Parish Priests, although these have sacramental jurisdiction

over their people; nor does it belong to Abbots, although they also have a people, and external jurisdiction over them. Blessing is proper to paternity, and properly belongs to those who have been divinely constituted *Fathers* of the faithful in the flocks committed to their charge, and who represent Christ, the Prince of Pastors. Blessing belongs to the *Ecclesia docens*, or teaching church, which consists of the Pontiff and the Bishops; and it does not belong to the *Ecclesia discens*, or learning church, which includes both priests and people.

A Bishop's blessing may be either a solemn blessing, or a private blessing, That is a *solemn* Episcopal blessing which, beginning with the formula *Sit Nomen Domini benedictum*, is given by the Bishop at the end of Mass. A simple or *private* Episcopal blessing is the blessing which a Bishop or an Archbishop gives with uplifted hand when passing through his City, or other place within his Diocese or Province.

A *solemn* blessing is, so far as the rite of it is concerned, of greater excellence than is a *private* blessing. Considered as it is a part or accessory of liturgical action, such as Mass or Vespers, at the end of which it is given, the blessing shares also in the perfection of those liturgical actions. This last is true even of the blessing which is given in Mass by a simple

priest. A blessing, therefore, which is given by a Bishop who is not a Diocesan Bishop at the end of Mass or Vespers, and the blessing given at those functions by an Abbot, on the days when it is granted to him to celebrate with solemnity, is a *solemn* blessing. A *private* blessing, on the other hand, which is not part of any liturgical action, cannot, as an exercise of paternity, be given by Bishops who are not the Diocesan Bishop, or by Abbots. Hence a priest cannot bless after the manner of the Bishop; or as having that right to bless which entails the consequent duty of the faithful to receive his blessing, as they are subjects of him who is blessing them. Since this is a prerogative of the Episcopate, the Bishop cannot grant it to a simple priest. A priest can however bless individuals of the faithful in the street or in their houses or assemblies, not by way of right, but in satisfaction of their pious desire.

To all Bishops is granted, for the asking, faculty to give the Papal Blessing twice a year, that is, at Easter and on one other solemn feast to be selected by them. To lesser Prelates who have right to use the mitre and pontificals, and who have a separate exempt territory, with active jurisdiction over clergy and people, it is granted once a year, on one of those days on which the use of pontificals is permitted to

them. In missionary and remote countries it is, by extraordinary faculties, granted more frequently, and in some cases four times a year. It was four times a year that the Pope was in the habit, in the days before the usurpation, of giving his Solemn Blessing on the People from the *loggia* which overlooks the Piazza of St. Peter's. Lesser Prelates are forbidden to give the Papal Blessing in the same place on the same day that the Bishop gives it. By place is to be understood not the same church, but the same city or district. Papal Blessing cannot be given twice on the same day.

II.

The necessity for some *rite* in blessing arises from this that blessing is reckoned among sacramentals. It is of the nature of sacramentals that they should be effected by means of an external rite. This rite consists chiefly of prayers or supplications, and of certain ceremonies which, although in themselves they contain no perfection or sanctity, are nevertheless, says Cardinal Bona, external acts of religion. They are signs by means of which the soul is excited to veneration of sacred things, the mind is raised on high, piety is nourished, charity is fostered, faith grows,

devotion is strengthened, the simple are instructed, the Divine worship is adorned, and religion is preserved. Among these ceremonies the sign of the cross has a principal place. Some are even of opinion that the sign of the cross is a rite which was instituted by Christ Himself; and that He used it in His solemn farewell blessing of His disciples before His ascension. It is certain at any rate, as recorded by St. Luke, that 'He lifted up His hands, and 'blessed them.' Lifting up of hands obtained also in the old law. Aaron stretching forth his hands to the people blessed them; and Simon, the High Priest, lifted up his hands over all the congregation of the children of Israel, and repeated his prayer, with will to shew forth the power of God. The sign of the cross is, as Cardinal Bellarmine observes, a terror to demons. When they see it, it makes them remember that they have been vanquished by the cross of Christ. Hence they abhor the sign of their overthrow, and flee as dogs flee when they see sticks and stones. The sign of the cross has force from the devotion of him who makes it, as has vocal prayer. It is an invocation of the merits of Christ crucified, to which the sign gives expression. The effect, however, proceeds more from interior faith and devotion than from the external sign; just as, when we pray with our

lips, the effect of our prayer is attributed not to the sound of our voice, but to our faith and devotion.

It is in blessings which are of the nature of sacramentals that some external rite is required. Such blessings as are given by Popes in their Briefs, and by Bishops in their Pastorals, are not sacramentals; and for them there is no external rite. Solemn blessings given by the Pope or by a Bishop are sacramentals; and for these there is an external rite. This rite is not, however, fixed and determined, except in the case of solemn blessing 'on the people.' That is to be given in accordance with the prescribed rite. It is a part and complement of liturgical action.

For the succour of her children in various needs the Church has, by power given to her by Christ, instituted various rites on the model of the sacraments which were instituted by Christ Himself. To distinguish her rites from His sacraments, she calls them sacramentals. By means of these rites she imparts her blessings to the end that special favours may be obtained from God by those who stand in need of them. For the better securing of this effect, she strengthens her blessings with her prayers or supplications, with the sign of the cross, and with certain other ceremonies. The efficacy of

these blessings has its foundation principally in the power and merit of the Church. The minister who imparts the blessings pours them forth, not in his own name and authority, but in the name and with the authority of the Church. Hence it is that in his ministry of those blessings he is to use the rites or forms and ceremonies which have been prescribed for him by the Church. Although the Supreme Pontiff has prescribed to himself certain rites in the giving of certain blessings, yet he has not bound himself, and still less can he bind his successors, to the observance of those rites. An external manifestation of the Pontiff's will is of itself alone sufficient.

As regards blessings given, apart from administration of sacramentals, by a simple priest, that is, a priest who is not a Bishop, although it is said in the Roman Pontifical that a Priest ought to *bless;* and although the Bishop says to the Priest in his ordination of him, and when making the sign of the cross over his hands, 'That whatsoever they may bless may be 'blessed'; yet it does not follow that the priest obtains thereby the *right* to bless. This no more follows than it follows from the words of the Pontifical that a priest ought to preside and preach, that he has the *right* to preside and preach.

By means of ordination there is bestowed on the priest power by *divine* right to bless through and by means of the *sacraments* of which he is made a minister. It is, however in virtue of *ecclesiastical* law that a priest has power to bless outside his ministry of sacraments. A priest may not exercise either power apart from mandate of the Church; but with this difference that a blessing given through a sacrament ministered without a mandate is valid although unlawful; while a blessing given outside a sacrament, and without mandate of the Church, is as invalid as it is unlawful.

The mandate of the Church to bless is given to a priest when he is entrusted with the cure of souls. From this there arises a spiritual relation of paternity between him and the faithful who have been committed to his charge. This paternity is the foundation of his right to bless. Blessing is a prerogative of paternity. In proportion as the pastoral office of cure of souls may be shared by priests who are not properly parish priests, so may be said to be their possession of power to bless.

It is not now permitted to simple priests to make three signs of the cross in blessing. Pius V. forbade it in private Masses, although he allowed the custom to be observed in Solemn Masses. It was finally forbidden in the Roman

Missal, published by authority of Clement VIII. In this it is distinctly prescribed that even in Solemn Mass the priest is to give the blessing with one sign of the cross only. The blessing was in ancient times given with the thumb and first two fingers of the right hand extended, as may be seen in ancient pictures. This was to symbolize the Trinity of Divine Persons. The Greeks give the blessing with three fingers extended, and the thumb and little finger crossed. They make the sign of the cross from right to left; while we make it from left to right. Our Bishops at the present day give their blessing with the whole of the right hand open and extended.

12.

For the Papal blessing, as it is a *blessing*, and this is its *intrinsic* effect, no condition is required. Parents efficaciously bless wicked children, and that even if these children explicitly despise paternal power. To obtain the *extrinsic* effect of Papal blessing, which is the Indulgence attached to it, certain conditions are required, and must be fulfilled. Conditions, in the strict sense of the term, are to be distinguished from *dispositions*. The *conditions* are certain works, prescribed by him who grants the

Indulgence, to be done by him who has the will to gain it. The *dispositions* required in the gainer suppose that he should be proximately capable of gaining it, or that all hindrances in him to gaining it should be removed. His necessary dispositions are intention and the state of grace. He must have the will to gain the Indulgence, and he must be in the state of grace.

Although it is required, in order to gain the whole of a plenary Indulgence, that there should be detestation not only of mortal sins, but also of all venial sins whatsoever, so that there should not be affection of the will or inward cleaving to any one even venial sin, yet the Indulgence may be gained partially by him who is in the state of grace. It will be gained in part in proportion to his capacity in freedom from affection to venial sin. There will be remitted the punishment due for those venial sins of which the guilt has been already remitted.

In all Indulgences, other than the Indulgence for the hour of death, it is required that the gainer should be in the state of grace at the time that he completes the last of the works prescribed by way of condition. In the Indulgence for the hour of death, on the other hand, what is required is that he should be in the state of grace in the moment of death, in which his

soul is separated from his body. Hence his fulfilling the conditions of the Indulgence in the state of mortal sin does not prevent him from gaining the Indulgence. Still less does his being in mortal sin at the time when the Indulgence was bestowed upon him deprive him of an Indulgence which is to take effect in the actual moment of death. This is the reason why the Sacred Congregation of Indulgences and Sacred Relics has declared that it is not lawful to repeat the Indulgence in the moment of death, on the ground that the sick man may have perhaps received it in the state of mortal sin, or may in the interval have relapsed into mortal sin, or may have committed certain venial sins, which would hinder his gaining the Indulgence in its fulness.

The ceremonial observed by Pius IX. in giving the Papal Blessing from the *Loggia*, or balcony above the entrance to St. Peter's, and overlooking the Piazza in which the Papal troops were drawn up, and the faithful assembled, was as follows. On the arrival of the Pope in the loggia, the first master of ceremonies gave the signal for silence to the military bands. The Pontiff, seated on the *sedia gestatoria*, or carrying chair, which was borne by the *palafrenieri*, and for greater security rested on the

balustrade in front of the balcony, which was dressed in red damask and adorned with flowers and greenery, read from a book supported by a Patriarch or by a Bishop Assistant at the Pontifical Throne, another assistant holding a lighted candle. He began by singing the words—'May the Holy Apostles, Peter 'and Paul, in whose power and authority we 'have our trust, intercede for us with the 'Lord.' To this the Cantors sang, Amen. 'By the prayers and merits of Blessed Mary, 'Ever Virgin, of Blessed Michael the Archangel, 'of Blessed John the Baptist, of the Holy 'Apostles Peter and Paul, and of all the Saints, 'may the almighty God have mercy on you, 'and may Jesus Christ, forgiving all your sins, 'bring you to eternal life.' To this the Cantors again sang Amen. 'May the almighty and 'merciful Lord grant to you indulgence, absolu-'tion for all your sins, space for true and 'fruitful penance, an ever penitent heart and 'amendment of life, the grace and consolation 'of the Holy Ghost, and final perseverance in 'good works.' A third time the Cantors sang Amen.

Then the Supreme Pontiff, rising to his feet, raising his eyes to heaven, and lifting up and extending his hands over the multitude, to invoke the blessing of the Almighty, made three

signs of the cross as he sang—'And may the 'blessing of Almighty God, the Father, and 'the Son, and the Holy Ghost, descend upon 'you, and abide for ever.' The choir a fourth time sang Amen.

This done the Pope reseated himself, and two Cardinal Deacons read, one in Latin, and the other in Italian, the formula of the Plenary Indulgence granted to those there present, and thereafter flung the two papers from the loggia into the piazza, to be scrambled for by the nearest of the crowd. Meantime the bands struck up, the bells rang, and the cannon roared. Before leaving the loggia the Pontiff again rose from his chair, and gave a simple blessing to the people. The Father of the Faithful was borne away, and the Papal Blessing was at an end.

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